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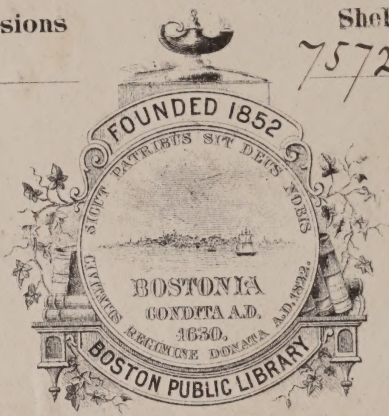

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STATEMENTS AND EVIDENCE

OFFERED BEFORE THE

COMMITTEE ON STATE CHARITIES

OF THE

MASSACHUSETTS LEGISLATURE,

IN FAVOR OF THE

MODIFICATION OF THE TAX

ON

ALIEN PASSENGERS,

MARCH, 1870.

SECOND EDITION.

BOSTON:
1871.
BARKER, COTTER & CO., PRINTERS,
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NOTE.

At the monthly meeting of the Boston Board of Trade, held on Monday, the seventh of February, 1870, a resolution was unanimously adopted, asking the Legislature of the Commonwealth to restore certain sections of the Alien Passenger Law repealed in 1865, which permitted the landing of alien passengers, intending to pass immediately beyond the limits of the State, without the payment of the tax known as head-money; and Messrs. John W. Candler, Avery Plumer and Hamilton A. Hill were appointed a Committee to represent the views of the Board at the State House. Mr. Thomas J. Gargan, a member of the Legislature, had previously introduced in the House of Representatives an order for the abolition, in all cases, of the head-money tax. This had been referred to the Committee on State Charities, of which the Hon. George H. Monroe is Chairman, and Messrs. James Pierce, Ensign H. Kellogg, Abraham G. Hart, James R. Morse, H. A. Warriner and Thomas J. Gargan are the other members. The hearing, reported in the following pages, was before this Committee.

HEARING.

INTRODUCTORY REMARKS BY MR. JOHN W. CANDLER.

Mr. Chairman and Gentlemen,—

I appear before you this morning, in connection with two other gentlemen who have been appointed by the Board of Trade of this city a Committee to present this subject to your consideration. I have the honor to be Chairman of that Committee. Mr. PLUMER and Mr. HILL are associated with me on it, and we come before you this morning to present and to advocate the following resolution, passed by the Board of Trade at their last meeting:—

Resolved, That the Boston Board of Trade would respectfully request the Legislature of Massachusetts to reënact the provisions of the Alien Passenger Law, repealed in 1865, which permitted the landing of alien passengers, intending to pass immediately beyond the limits of the State, without the payment of the tax known as head-money.

The Committee, Mr. Chairman, propose to state the position of the Board upon this subject, and then to ask the privilege of introducing some evidence on the question. They have invited the presence of several gentlemen who understand the question thoroughly, and they will be very glad to offer their testimony.

There are many influences which have brought the different members of the Board of Trade to the conclusion expressed in this resolution. Some of them take the broad ground, that the great internal commerce of the United States requires freedom of intercourse between the States, and they contend that the same principle is involved in our associations and connections with foreign States, and that the time has arrived when we should endeavor to overthrow all the barriers between ourselves and other nations we possibly can, that we may have as much freedom as possible, and may encourage commerce in all its natural channels. We take this broad ground in recommending the reënactment of the repealed provisions of this law, that there may be no bar to immigration.

Again, many of them believe that this is a most favorable opportunity to encourage the foreign steamship lines now making their arrangements to adopt Boston as their port. They are impressed very favorably with another fact: that the railroads connecting Boston with the West are improving their arrangements for passengers as well as freight.

I wish merely to indicate these general views of the subject as the reasons that have influenced the members of the Board of Trade. There are a great many members of the Board, and some of them voted for this resolution under one influence, and some under another; but they all agree as to its importance, and they come before you most urgently to press that the provisions of this law which were repealed in 1865 may be reënacted.

With your permission, Mr. Chairman, I will introduce Mr. Hill, the Secretary of the Board, who will make some further statements, in connection with those which I have offered, and then I shall ask to introduce some other gentlemen, outside of the Board of Trade. Mr. Plumer, the other member of the Committee, well known to some of you, at least, as a gentleman extensively engaged in commercial pursuits, and as having had considerable experience in legislative matters, is also present, and we expect that he will address you this morning.

Remarks of Mr. Hamilton A. Hill.

Mr. Chairman,—

The Committee will notice, by the terms of the resolution of the Board of Trade, under the instructions of which our Committee appear before you this morning, that it is a modification of the law, rather than its total repeal, which the Board has in contemplation. This being so, perhaps it is not pertinent for us to discuss the merits of the law itself; and yet, if we can raise any question in the minds of the Committee as to the rightfulness of the law, in itself, it will strengthen our case somewhat in urging a modification of it.

The question of the constitutionality of the law, as it now stands on our statute-book, I shall leave to others, more able than myself, to consider; but as I have looked over the Constitution, one or two points have suggested themselves to my mind in connection with it, which, with the permission of the Committee, I will state.

I notice that in the Constitution of the United States, Congress reserves to itself all power to "regulate commerce with foreign

nations and among the several States." It is for the Committee to consider whether this law is a regulation of commerce with a foreign country; whether this imposition of a tax upon persons landing here in ships arriving from foreign ports is or is not in any way an interference with commerce. The Constitution also prohibits the various States from laying any duties upon imports or exports; and it seems to me that a very serious question arises, and one well worthy of consideration, whether this prohibition does not, by implication, although not directly apply to something which looks very much like a duty on the importation of passengers.

The only allusion to anything like "head-money" in the Constitution of the United States is the provision which existed up to 1808, by which (the slave-trade being allowed up to that time) persons imported into the Southern States as slaves might be taxed to an amount not exceeding ten dollars each. By this provision, up to the time of the abolition of the slave-trade, Congress was permitted to tax persons brought into the Southern States as slaves, to an amount not exceeding ten dollars a head.

I do not find, on the statute-books of any nation on the face of the earth, except our own, a tax upon passengers arriving within their limits; and it seems to me that we, more than all other nations, anxious as we are to draw immigrants to our shores, anxious as we are to develop the resources of our great country, should open the doors as widely as possible, and throw down every restriction and barrier in the way of the free ingress of all who are desirous of casting in their lot with us, and assisting us in sustaining our institutions and advancing our prosperity as a nation.

But, leaving this point of the rightfulness of the law itself, I would suggest to the Committee, supposing the right does inhere in the State to lay a tax, under certain circumstances, upon those coming hither, whether that tax should not be made as little of a burden as possible; whether it should not be so laid as not to conflict with the operations of commerce? This is the point which the Board of Trade would especially present to the Committee. If the law must exist, we pray that it may be made to interfere as little as possible with the general interests of the commerce of this Commonwealth; and it would seem that that was the purpose of those who framed the law. It would seem to have been their desire so to frame the law that it should not injuriously affect the foreign commerce of the State. There was a time when immigration into our port was very large. In the days of those splendid packet ships, owned by the late Mr. Enoch Train and

others, there was a very large business between Liverpool and this port, a very large number of passengers were brought here, and it was felt by every one at that time, that the interests of this city was to a large extent identified with the prosperity of that admirable line, which doubtless, but for the introduction of steam upon the ocean, would have continued to this day as a great success. The feeling of those who framed this law at the outset evidently was that although it might be desirable to collect a certain amount of money from the immigrants arriving at this port, there should be no interference with the prosperity of the TRAIN line and other lines, which were doing so much for the commerce of the city and the Commonwealth; and hence it was provided that the law should be inoperative, practically, so far as the passengers landed from these ships and passing immediately beyond the limits of the Commonwealth were concerned. But a few years ago, the law was modified by the repeal of those sections permitting the return of the head-money in such cases, and, as it now stands, the tax is laid upon all passengers, whether they remain within the limits of the State, or whether they go to the distant West.

When these sections were repealed, the commerce of Boston was in a very different position from what it was when the law was first framed; and, I am thankful to say, in a very different condition from what it is at the present time. It looked then as though the whole tide of steam traffic was to flow towards the port of New York, to the south of us, and as though the future of this community was to be identified solely with the manufacturing interests of the country; as though the commercial interests of the country were to centre at a single seaport. Since then, it has become apparent to the country at large, and has become well understood at the West, that one point on the seaboard is not sufficient for the wants of the great interior of this country, in its intercourse with Europe. The West understood that before we did, and at the Commercial Convention which was held in this city three years ago, it was pressed upon our attention by gentlemen from Chicago, Milwaukie and Detroit, that the West wanted every possible outlet to the Atlantic seaboard; and they scouted the idea of being satisfied with any one port. The West feels that with the growth of their country, it will need a shipping port for its products at every practicable point on the seaboard. Its people want the free use of the St. Lawrence river, in order that they may send to Europe whatever they may choose by that channel; they want Portland with its splendid harbor, which they already use to a considerable extent; they want Boston, and are very anxious that we should develop our resources here, that they may use our

port much more than they have hitherto done; they want New York, Philadelphia, Baltimore and New Orleans, at the far South; and they are exceedingly anxious that every one of these channels should be widened and deepened, and thus fitted for their future use.

The question, then, is a practical one with us; what shall we do, as a port, in order to develop our foreign commerce? I assume that the members of this Committee and the members of this Legislature are not among those who are willing to allow the foreign commerce of our port to go by default. The whole policy of our Commonwealth has tended in a direction different from that; our great investments in our railway lines certainly mean something different from that; the money that has been expended in Boston and its vicinity, in various ways, in developing facilities of intercourse between our wharves and the interior, points to something very different from that. On the contrary, the feeling is now prevailing to a very considerable extent among us, that we can, if true to ourselves, build up every kind of foreign commerce here in Boston. It is not a question whether we shall rival this city or that city. That is not the question at all; there is business enough for us all. The only question is, whether we will take what the West will gladly give us as our share of the traffic which is to be carried on.

With your permission, I will read a sentence from a document which I received from Washington yesterday. It is a report of Mr. Joseph Nimmo, the celebrated statistician of the Treasury Department, giving a great many facts and figures in reference to the present position of American commerce. I was struck with one passage, to the following effect:—

"In the efforts which are being made to revive our maritime interests, besides those remedies which may possibly be applied by the General Government, an interesting question arises as to the share of the work devolving upon States, counties and cities which are directly benefited by foreign commerce."

Now, as a city and as a State, we have nothing to do directly, although much indirectly, with whatever remedies may be applied to our foreign commerce in its present depression; the responsibility for that rests largely with the Congress of the United States; but, it is suggested by this writer, whether the States, counties and cities, immediately and directly interested in foreign commerce, have not themselves something to do. Our Board of Trade entertains the conviction that we certainly have, and it is for that reason that we have given so much of our time and attention to the general question

of transportation and to the shipping interest, believing there is something to be done by us in this city, and in this Commonwealth, in regard to relieving commerce, so far as we are particularly concerned.

What, then, shall we do? In a single word, I would say, remove all obstructions which it is practicable to remove; make the flow of commerce through our port as free as possible.

Allow me to read another sentence from the report before me, quoted by Mr. NIMMO from a paper prepared by Mr. EDWARD HINCKEN, President of the Shipowners' Association of New York, and a much respected merchant of that city. Mr. HINCKEN says among other things:—

"Although the port of New York owes its prosperity to commerce, there is no State in the Union that has done so little to encourage it as New York. It has grown up in the face of enormous sums paid yearly to the commissioners of immigration and commissioners of quarantine, enormous rates of pilotage, and unserviceable wharves, for which large sums are fleeced out of vessel owners."

This is the testimony of a prominent merchant of New York, the President of the Shipowners' Association. We are told that New York, with its great natural advantages, has grown rich, powerful and prosperous, in spite of the obstacles created by their local arrangements—high taxes, bad wharves, and everything of that kind.

Now, I would suggest, respectfully, to the Committee, whether this does not point a moral for us, and whether it does not indicate what the policy of Boston and of Massachusetts should be. Is it not for our interest, when we find that commerce is burdened in other places by immigration charges, by deficient wharf accommodations, and by other disabilities of a similar kind, to do everything we can to improve the facilities of our city, and thus to draw business by an inevitable law to our own port? Our warehouse arrangements are admirable; the connection which exists between our railroads and wharves is everything which can be desired, and is all the time being made better and more complete, and will soon be as nearly perfect as possible. The steamship companies are beginning to find this out; they are disposed to come here, and to bring a portion of their business here. A few years ago, the CUNARD line left us. The company were then running mail steamers almost exclusively, and for reasons which it is not worth while to go into now, they saw it for their interest to transfer these steamers to New York. But since then they have put on a line of steamers which I have always felt is worth a great deal more to Boston than the old line of mail steamers. Freight was never brought to any very large extent in those vessels; they were

magnificent ships; many of us have had the pleasure of making passages in them; but when you consider what these freight vessels, these "cargo steamers," as the company call them, although they carry the mails, can do for Boston, I, for one, if we could not have both, would very much rather see the latter vessels coming to Boston than the mail steamers. The mail steamers benefited our commerce but slightly; they did not bring immigrant passengers, nor much freight. But these cargo ships are just what our importers need for the conveyance of their goods, and they bring large numbers of immigrants, who, were it not for this line, would go to other cities. Within a very short time, the INMAN line, known throughout the commercial world for the energy of its management, and for the prosperity which has attended it during many years, is sending some ships here, experimentally, in order to ascertain whether there is an opportunity to build up a business in Boston. The question is whether we shall encourage this line, and the CUNARD line, and such other lines as may follow their example; because you may depend upon it, if these lines find it for their interest to continue here, others will come here, and every additional line makes more business for the lines that were before it.

I say the owners of the INMAN line are trying the experiment of coming here; and what do we want them to do? We want them to go back from here to Liverpool direct. We do not want them to go to New York; we want them to make their passage directly from Boston to Liverpool. They say, we ourselves desire to do that; we want you to assist us that we may do so. How can this be accomplished? I answer by in the first place developing the immigration business at our port. They say, If you can only make it an object for us to come here, if you can hold out inducements for us to bring our passsengers here rather than to take them to New York, we will land them here instead of in New York. If we can give them the advantage of a cheaper fare to Boston than to New York, then our ships will be loaded with immigrants, and we shall bring more passengers to Boston than to New York. In that case, as the profits of the voyage will be increased, we can the better afford to take the chances of getting direct freights back to Liverpool.

This commerce, and especially the export trade, must for the time being be encouraged, and carefully built up. There is a *vis inertiæ* to be overcome. We shall have to give the movement a start. We must encourage it, and push it for a while. We want these ocean steamers to return to Liverpool direct, and we must help them. How can we do it? It seems to me if we only take off this tax, and give

them an opportunity to land their passengers who are destined for the Western States, without the payment of this tax now levied, so as to enable them to charge less to passengers who come to Boston, than they charge to those who go to New York, we shall get a very strong hold on them, through their interest; and what will be for their interest will be for the interest of the port; and, again, what will be for the interest of the port will of course react in their favor. Then, Mr. Chairman, in my judgment, if we can overcome the slight obstacle which now exists to the full development of the immigration traffic, the tide of commerce will flow once more to and through this port. I said, "the slight obstacle," and you will all agree that it is so; but upon it may turn the whole question of the future commerce of Boston. A very slight impediment will change the current of trade. Some gentlemen present remember when an auction tax was enforced in Massachusetts. It seemed a very slight thing, only one per cent. on all sales, but at that time all the tea which came to Boston—which was nearly all which came into the country—was sold by auction, and consequently that tax was a direct tax upon the tea trade. The importers of Boston asked the Legislature to relieve them from this burden; it refused to do so; and the result was, all the tea ships were at one stroke ordered to New York. It was a small impost which turned the whole tea trade from Boston to New York. And what followed? The Calcutta trade; and then, all the dry-goods commission houses in Boston opened, one by one, branches in New York. After the China trade had left us, and after we had lost part of the Calcutta trade, and had suffered other serious losses, the tax which had done the mischief was taken off. After we had lost the horse we opened wide the stable door, to let him come back if he would. Gentlemen know that a very small rock in a river bed will divert the channel; and it is just so with commerce. In this day of competition, a slight cause will determine whether a particular class of trade shall come to Boston or go to New York; a very little thing indeed, much less than might appear possible, at first thought. Therefore it is not at all certain but that the remission of this tax, the repeal of which we now ask the Legislature to grant to us, and which may seem small in itself, although in the aggregate it amounts to a great deal of money, may be the means of turning again the tide of commerce to our good city, which, in the interest of our Commonwealth, I am sure that we shall all be very glad to see.

It is not the interest of Boston alone which we represent in this matter. We represent the interest of the Commonwealth, because the interest of Boston and that of the Commonwealth in this matter

are one. Our Commonwealth has invested fifteen millions of dollars in its great works of railway improvement; and now we say, if you will only allow us freely to develop the commerce of Boston, and give us the opportunity to show that passengers and freight can be landed and sent forward more cheaply and expeditiously at Boston than at any other city on the Atlantic coast, the more sure we can make the success of these three great lines of communication which the Commonwealth has been at such labor and expense to construct.

This work we must engage in for ourselves. No one will perform it for us. I desire to call the attention of the Committee to a paragraph which appears in the *Boston Post* of this morning. I refer to it to show that in building up an immigration business at this port, we shall have to contend with obstacles outside of ourselves; that there will be difficulties of opposition and competition to overcome, which we must prepare to meet, if we want to succeed in our commercial enterprises. Our neighbors will not help us; it is quite possible they may do something to hinder us. It is not certain that some of the citizens of other cities would not be sorry to see us abolish the head-money tax here. Let me read what seems to be an advertisement, which has appeared in all the Swiss journals: —

"The Consul-General for Switzerland in Washington, writes to the authorities at home that he has been informed by an immigrant who landed in Boston, that lately Boston has become a regular port for the landing of immigrants, and at the same time draws the attention of the public to the fact that Boston has no proper facilities for such business; consequently immigrants landing there are put to considerable inconvenience and expense. The authorities here, therefore, deem it necessary to publish the information. Coming as it does from such a reliable source, they have every reason to believe it to be true."

"BERNE, Dec. 20, 1869."

The Board of Trade will take special pains to have that statement set right. I merely read it to show the influences that are at work against us, and the responsibility which rests upon us, therefore, and upon the Legislature, to do everything which properly can be done, to promote the commercial interests of the State. The charges thus published in Switzerland are easily refuted. Everyone who knows anything about the facilities which exist here, understands perfectly well that there is no city on the face of the earth where the immigration business can be carried on so well as in Boston,—with so much economy, safety and comfort to the immigrant himself,—with so much satisfaction to everybody concerned. Passengers have never been so well cared for on the ocean, as by the steam lines which

come to this port. A few months ago, I returned from Europe in one of the Boston steamers of the CUNARD line. There were five hundred and fifty steerage passengers on board, and I was gratified, as were all the cabin passengers, with the arrangements which were made for the comfort of those people, with the consideration accorded to them, and the unusual kindness manifested by the captain and officers towards them. I had the pleasure, two or three years ago, of making an Atlantic trip with a member of the Committee whom I am happy to meet here to-day, in one of the mail steamers, and I can say (of course *mutatis mutandis*, the circumstances being changed according to the estate and condition of the passengers,) that the immigrants on board the *Tarifa* were as comfortable in their quarters as we were on board the *Cuba*. I am satisfied that it is the purpose of the leading companies, and especially of the CUNARD and the INMAN lines, who have so much at stake in this matter, to do all in their power to promote the comfort of their passengers of every class. The agent of the CUNARD line is here, and he can tell you what arrangements are made at East Boston for alien passengers on their arrival. The officers of the Boston and Albany Railroad also will inform you as to the buildings which they have erected, and the other arrangements devolving upon them which they have perfected. I believe everything has been and will be done to insure the protection of passengers on board ship and on arrival, as well as their comfortable transit from East Boston to their destination in the West, or elsewhere, leaving nothing more to be desired by us in this regard. Why not, then, encourage this business, seeing that you can do it so easily, and having the assurance, as you have, that it can be done, not only with profit to yourselves, but with very great personal advantage to the immigrant himself? Shall we not, even on the ground of humanity, do everything we can to bring these people to Boston, rather than allow them to go to any other port on the continent? For there is no city in which as here they will be received so kindly, or be sped onward to their destination with so little inconvenience and discomfort.

Let us encourage this branch of commerce, watch over it, and apply such legislation in its behalf as may seem to be necessary. It may be desirable by and by to hedge it about with additional precautions, and to legislate for the protection of the immigrant; but just now there is nothing for us to do but to remove such obstructions as may exist to the free movement of immigration in this direction; and in connection with it we shall see incidental as well as direct advantages accruing to our city and to our State, which it will be

difficult for us to overestimate, and which at the present hour we can purchase at a price altogether nominal.

Mr. CANDLER: The Committee desired to come before you as strongly as they possibly could in support of the resolution of the Board of Trade, and we have therefore invited Collector RUSSELL to appear here this morning and give you his opinion. I can say that no gentleman is better informed upon the question than he is. He is not only informed in regard to the steamers and the accommodations for the passengers, but also in regard to this law, with the framing of which, originally, I believe he had something to do.

I would say, on behalf of the Committee, that we are not only in favor of the reënactment of the former provisions of the law to which I have referred, as a matter of importance commercially, but it seems to us there is much injustice in levying a tax upon passengers who simply land in Massachusetts, and pass directly through the State. I will request Judge RUSSELL to refer to that in his remarks, as he has given it much thought.

REMARKS OF THE HON. THOMAS RUSSELL.

I wish I knew half as much about the subject as Mr. CANDLER thinks I do.

I had the honor to draw the act of 1853, which it is now proposed to restore, and which was afterwards modified by the act of 1854. It was not drawn at the suggestion of anybody else, but because, being in the way of seeing a great deal of the manner in which immigrants were treated, it seemed to me very desirable to have such a law. That law provided, first, that when an immigrant left the State within twenty-four hours, the head-money should be refunded; secondly, that instead of paying the head-money in the first instance, the parties might give a bond to pay it, which bond should be cancelled on proof that the immigrant had left the State. The act of 1854 provided, that if such immigrant should, within five years, return to the State, and become chargeable to the State, then the party should be liable in the same way as if he had given a bond in the penal sum of three hundred dollars.

These two provisions the Board of Trade now ask you to restore. I may state, as a matter of curiosity, that I had the honor, not only of drawing the act, but of preserving it from the Know-nothing Legislature of 1855. We only ask you, therefore, to be as liberal to the foreign immigrant as was the Know-nothing Legislature of 1855.

There were three purposes connected with the law as it was originally passed. In the first place, as a matter of humanity to the immigrant; secondly, as a matter of justice; and, thirdly, as a matter of commercial policy,

First, it is a matter of humanity to the immigrant, because the immigrant landing here, and staying here, is liable to get into bad hands, and fall into bad habits. Inducements, therefore, should be held out to him to leave the city and the seaboard as soon as possible. The immigrant who came in a sailing ship, landing after a long voyage, would be likely to fall into temptation, and indulge his appetites, and men were robbed and outraged under these circumstances. The same evils existed here, to a slight extent, which once existed in New York to an alarming degree. And it was to save the immigrants from these evils and this temptation that we hurried them out of the State. Some of the Committee may remember how the Swedish immigrants used to come here; they would land in the afternoon, perhaps, and the next morning would see them marching in procession, with the Swedish flag flying, to the cars; in that way escaping the temptations of the city, and hurrying to their homes in the West. So far as that is concerned, I feel bound to say, that there is now, in regard to the great bulk of the immigrants, no need for this alien law at all; the facilities for the immigrants going west are absolutely perfect: and when the Consul-General of Switzerland, or any other Consul-General, says there are expenses and delays attending the landing of immigrants in Boston, destined for the West, he talks about something of which he knows nothing, The moment the immigrant lands, he steps under a shed,—I say "a shed," it is a very extensive and well-constructed building,—and there he finds the car that is to take him to Chicago or St. Paul; there is a baggage car that takes his baggage, from which he is not separated; there is no walking across the city, or carting of the baggage; he goes from the comfortable ship to the comfortable car. If passengers are obliged to stay over night, provision is made to feed them and to take care of them. I think even our excellent Governor, when he suggests that there should be a sort of Castle Garden arrangement here, does injustice to a corporation of which he is one of the Directors, and forgets what good care they have taken of those who land here. I think no such provision should be made. It would be going to great expense to provide facilities which in fact already exist, in order to avert an evil which does not exist; so far as regards the few immigrants coming from the Provinces and elsewhere, in small vessels, the original reasons still have force. Some means ought to be pro-

vided by which they shall be hurried out of the State, and sent to their new homes, wherever these may be, for their own good.

It seems to me that, for the safety of the State, there should be two new provisions in this law. I think the words should be added, "with the intent to remain." I should be perfectly willing to leave that to the Superintendent of Alien Passengers; I would trust to his justice and common sense in regard to it. If the Committee ask how we would prove the intent to remain, I say, if a man comes with a ticket for Wisconsin, where he has friends, there is every reason to believe that he intends to reside in Wisconsin. These people know where they are going, and the intent can be easily proved in most instances. Then, perhaps, they should be required to go some distance out of the State. For instance, if a man comes here to go up to Nashua, if business is dull, he might come down to Lowell. Perhaps you should provide that he shall go a certain distance away from the State,

Next, the injustice of this law. It does seem unjust that the State of Massachusetts should pick a man's pocket when he lands here to go to Wisconsin, or to California, (as a great many are coming now from Fayal,) as quickly as the cars can carry him. There does not seem to be any connection between his coming here and the State's taking two dollars from his pocket. The fact of his landing here does not impose upon us any responsibility or duty. There is nothing in the Constitution or laws of the United States, or in the Constitution of this State, making us responsible for him because he lands here. If there is at present, as I suppose there is, some arrangement between the ports of New York, Boston and Portland, and perhaps other cities, that is a mere matter of agreement and not a matter of law. I don't suppose any one would contend, that an immigrant destined for a western State, and merely passing through here, would be chargeable to Massachusetts, simply because he preferred to make the port of Boston his landing place when he arrived in the United States. It seems to me exceedingly unjust, doubly unjust, to impose this tax, because these immigrants, in the first place, are just what we want in this country. They are coming here to help us pay the national debt, and to build up the power and wealth of this country. You are familiar with Mr. WELLS'S suggestion in that regard: If an able bodied slave was worth a thousand dollars, it is easy to calculate that a free man is worth two thousand dollars. As a mere matter of pecuniary value to the country where he makes his home, of all importations, it seems to me this is the last to be discouraged by a tax.

Then it is unjust, again, that this State, simply because a man happens to come here because he prefers our port and wants to avail himself of the facilities we afford, should undertake to tax him, when we have nothing to do with him except to see him beyond our borders. It seems to me that it is an abuse of power. If Massachusetts may tax him, then New York may tax him two dollars when he passes through that State, and Pennsylvania may tax him because he goes through upon the Erie railroad, and Ohio may do the same, and every other State until he reaches his destination. Because we catch him first, have we any right to say he shall pay us two dollars?

I know it is said a great many are sick and liable to become paupers, and a great many are imfirm persons, what our State Board of Charities calls "defectives;" but because somebody now and then smuggles in a "defective," is the able-bodied man who will contribute to the prosperity of the country to be fined two dollars if he makes America his home, and if he makes Boston the port by which he reaches his home? It seems to me the proper way is, to exercise all the vigilance possible to prevent "defectives" from coming here, especially when they are brought here to relieve some other country from the burden of their support; but a valuable class should not be taxed because other immigrants, whom we do not want, come here in small numbers.

The other reason, which has already been urged before you, is the commercial reason—we want to promote immigration here for the sake of encouraging the establishment of new steam lines, and of inducing those already established here to send more ships to this port. I have heard it said that the removal of this tax will not reduce the passage money of the immigrant. I do not care how you look at it. No matter whether it decreases the passage money or increases the profit of the shipowner. Let a man know that he can come to Boston for the same money for which he can go to New York, and he will prefer Boston. Let the shipowner know that he can make two dollars more on a passenger by coming to Boston than by going to New York, and he will send his ship here. The immigrant will have no choice about it. They bring a thousand immigrants sometimes in one ship. Now, if two thousand dollars more can be obtained by bringing that ship to Boston than by sending her to New York, that ship will come here. That is the law of trade, and the law of common sense as well.

Then it may be asked, what good does it do the city if the immigrant comes here and goes immediately off? We don't get his hack fare, even.

It brings the ship here. It facilitates sending freight here. It makes freight less. We want something very much which shall make Liverpool and Boston meet. I know a merchant who has imported goods into Boston *via* New York, because he could get them at a lower rate than by having them sent to this port direct. They came to Boston on the steamer, went from Boston to New York, were entered at the Custom House there, and were sent back here, and he got them cheaper than he could have got them by having them sent to Boston. The reason is, because there is not so much business from Liverpool to Boston as from Liverpool to New York. Major CHADWICK, of this city, imported into this country, last year, five thousand tons of lead. He paid on that lead two hundred and fifty thousand dollars duties, and two hundred and forty thousand dollars of it he paid at New York. He bought the lead at Newcastle, shipped it from Newcastle to Liverpool, from Liverpool to New York, and from New York to Boston. He could do that more cheaply than he could send the lead from Newcastle to Liverpool, and from Liverpool directly to Boston. The agent of the line will tell you how that happened, and he will tell you he does not mean to have it happen again.

Of course freight will be lower when there is more business. These immigrants will help pay the expense of bringing freight here. Major CHADWICK is now negotiating for the purpose of bringing his lead to Boston instead of to New York, and that negotiation will succeed if this law is modified as proposed.

I suppose it is not necessary to say that some of us believe that Boston can carry on commerce. We have been told that we were a manufacturing city, and could do nothing else. I believe that Massachusetts men have room enough in their heads for two ideas, and can find work for both their hands. Legislation can affect commerce favorably as well as unfavorably. We have been told that the law which affected so injuriously the tea trade of this port has been repealed, and part of that trade has already come back. Four tea ships came here last year, one has come this winter, and there are others on the way. We are getting the tea trade back again, and such legislation as is now proposed I am sure will have a tendency to bring back the immigration business to this port. If the thirty-eight thousand dollars received from this source last year, if fifty thousand dollars were given up, it would be money well spent. It would be not only an act of humanity and an act of policy, but it would be an act of justice, which is the highest law of policy.

Remarks of Mr. Avery Plumer.

My friends, Mr. Hill and the Collector, have, it seems to me, so nearly exhausted this subject, that there is hardly anything left for me to say. There is one aspect of it, however, which is, perhaps, more familiar to me than to any other gentleman here, and that is the importance of having the productions of the West (a matter intimately connected with the subject before you) handled with the least possible expense. With a view to this, the Boston and Albany Railroad possess, at tide-water already, some thirty odd acres of wharf property, which they are doing their utmost to develop and prepare for the products of the West which may be brought here hereafter, hoping and believing that we shall have a share of the exports of these products. They are building a very large elevator, which will be completed in a short time, and they are also building warehouses to facilitate the handling of the property. In addition to that, it is well known to you, gentlemen, that the Boston and Albany Railroad have already negotiated with the State for the purchase of fifty acres more at South Boston, which they have already begun to fill, where they are intending to erect elevators and warehouses, that produce, when it arrives here, may be handled at very much less expense,—I undertake to say,—than it can be at any other port in this country; certainly it can be handled with a difference in favor of Boston, as compared with New York, which will bring the property here. I have no sort of question of that myself. If the doctrine is true, which has emanated from the Railroad Commissioners of this State within the last two or three weeks, that it is not worth while for the railroads to make any efforts to develop the foreign trade of Boston, all I can say is that the Boston and Albany Railroad directors are entirely at fault and in the wrong. We think differently. We believe that a portion of the trade of the West will come here.

Now, in order to bring this trade here, we must have facilities for the shipment of produce from this port to Europe, and one chief object I have in appearing before you personally, and as a member of the Board of Trade, is, to urge that this little hindrance, as it may seem to you, to which reference has been made to-day (very much like the auction tax,) may be taken out of the way that we may reach out the hand of encouragement to those gentlemen from abroad who are disposed to establish lines of steamers to Boston, so that we may bring this western freight to Boston which now goes to New York very largely. It may not be known to gentlemen here that

the usual difference on freight between the West and New York and the West and Boston is ten cents a barrel. Now, if this freight can be brought to Boston, and landed on one of our wharves from the cars, and put directly on board a steamer, that difference can be more than overcome by saving the expense of carting and storage. Already we handle property more cheaply than they do in New York. The charges are less here than in New York, and thus the difference is overcome with regard to property that is stored, and, so far as my experience goes, the western people would very much prefer to ship their property to Boston rather than to New York, if we had a market; and in order to have that market, we must have these steamships to take the property away.

I know that this business is growing; and here comes in very forcibly the fact that orders now go directly from Liverpool to Chicago. The negotiations may be made, perhaps, through a commission merchant in Boston or New York with the miller or commission merchant in Chicago direct. During the last six months I have known of several large lots of flour that have been shipped by a through bill of lading direct from Chicago to Liverpool. Now, our railroad, the Boston and Albany Railroad, in which the State is the largest owner, want to bring that property to Boston. And they can bring it to Boston, and it can be shipped from here. But in order to do this, we must encourage these lines of steamers. I honestly believe that as my friend, Judge RUSSELL very well remarked, if the State lost the entire fifty thousand dollars, or whatever the sum may be, which it received last year for head-money, or one hundred thousand dollars, if you please, it would be a good investment. The loss would be more than compensated for by the returns we should receive directly and indirectly from the encouragement of these steamers, and the trade they would bring to Boston.

There is another point of which I have been reminded during this hearing. Last Saturday evening, some of the gentlemen here present had the pleasure of listening to Mr. BROOKS, the commercial and consular agent of Japan at the port of San Francisco. He is the gentleman who was sent from San Francisco to make the necessary arrangements to bring over the men from China who should build the Pacific Railroad. It had been found utterly impossible to get along without more labor, and cheap labor, and the company sent over one messenger, who, after staying four or five months, came back, and said that nothing could be done. Then Mr. BROOKS went to China, and in five days, after his arrival out, he was on his way back with the necessary arrangements completed for sending the

immigrants to San Francisco, and the first steamer that followed after him brought six hundred of these Chinese. And what was the consequence? Why, that road was rapidly pushed to completion, when, without the assistance of these immigrants, it could not have been completed to this day.

Now, this great country wants these immigrants from every quarter, and it seems to me that there can be nothing so foolish as our persisting in placing this tax upon an article, if you please so to call it, or upon the labor which is indispensable for the development of our manufactures. We talk about our State being a manufacturing State. Very true, and in order to compete with the markets of the world, we must have labor, or we shall not do much with our manufactures. It is indispensable, and, therefore, I hope that this Committee will report favorably on this application.

The CHAIRMAN: Do I understand that this tax is an absolute prohibition to immigration?

Mr. PLUMER: No, sir. I do not know that the auction tax was an absolute prohibition on the sale of tea here by auction, but what was the result? It was one of the little things which tend to turn trade in another direction. I agree that New York is the great commercial emporium of the country, and that the larger amount of our foreign commerce will almost inevitably go there; but, at the same time, I say that if we take the right course in legislation, if we do all we can to encourage those gentlemen from abroad who are disposed to bring their lines of steam-ships here, we may get our full share of that trade, and not leave it to be considered a foregone conclusion that we are not going to do anything, and cannot do anything. In that case we never shall do anything.

REMARKS OF MR. D. WALDO LINCOLN.

It is not necessary that I should add anything to the general considerations which have been presented to you, but I will say a word in addition to what Mr. PLUMER has said in regard to the connection of the Boston and Albany Railroad with this matter of transportation between Boston and the West.

We have expended more than a million of dollars in perfecting this road, and the property which connects the road with the tide water at East Boston. I think that more than six hundred thousand dollars of that money has been expended within two years. I suppose we can say with truth now, that there is no such perfect connec-

tion between deep water and a great trunk line in any city on this continent as there will be in this city when our arrangements are completed. We have a building at East Boston which I should be glad to have the gentlemen of the Committee see. The deepest vessel that floats can come directly to our wharves. Our cars are on the wharf, and if passengers arrive in the morning, they pass at once to the cars, their baggage is taken care of without delay or expense to them, and they are taken round on the Grand Junction Railroad to Brookline, where they remain until the train for New York, or the freight train for the West, comes along, when they are connected with these trains, and go directly to New York or the West. The rates of fare are perfectly satisfactory to the agents of the lines, and are the same from Boston to places at the West as from New York. If the passengers go to New York, there is the land fare to New York, but that is more than compensated for by saving the expense of keeping them on board the ship another day, as would be necessary if the voyage were made to New York direct.

It is represented that the great evil attending the landing of passengers at New York is their exposure to landsharks and thieves, who plunder them there to an extent horrible to relate. We have in East Boston a piece of property which is absolutely under our control, and although it has not been entirely fenced in, it can be arranged so that no person can approach it except by consent of the officers of the road. The CUNARD Company own the wharf adjoining, which is equally under their control; so that I suppose these passengers can go through with less exposure to temptation, robbery and wrong at this point than anywhere else. It seems to me that that is a very important consideration. It has been represented to me that passengers landing at Castle Garden are exposed to many kinds of wrong, which makes that port very objectionable.

REMARKS OF MR. EDWARD HAMILTON.

Mr. Chairman,—

I suppose the system of collecting head-mony originated from the fact that some of the immigrants became chargeable to the State where they landed. The two principal ports for the landing of passengers in the Northern States, as you well know, sir, are New York and Boston. Now, a certain number of those passengers (a very small number) in the course of a few years after they land, become chargeable to this State. Judge RUSSELL has asked, why not col-

lect two dollars at Erie, in the State of Pennsylvania, and two dollars in Ohio on passengers going to the West? The reason is this: In Ohio, if a person who landed in Boston within a certain time, goes into their charitable institutions, he is sent to Massachusetts to be taken care of. Therefore, Massachusetts, when I held the office of Superintendent of Alien Passengers, demanded a bond from the parties who landed the passengers, providing that those passengers for whose account the head-money had been returned, should not become chargeable to this State within the term of five years. That was why the bond was taken; so that if any of those persons went to another State, and were returned by that State to Massachusetts, at any time within five years, the parties who brought them here should be chargeable with their support.

Now, Sir, in the Report which I had the honor to make to His Excellency the Governor, in 1863, which was the last Report I made as Superintendent of Alien Passengers, I state the following:—

"Section 16, chapter 71, General Statutes, provides that when an alien leaves this State within forty-eight hours after landing, his commutation money may be returned; under this section, as before stated in this Report, the sum of $1,044 has been refunded for passengers who left the State last year. Some persons are of the opinion that this section should be repealed, for the reason that if any of these passengers fall into distress, they could be and probably would be, sent to this State for the support to which they are entitled, having landed here.

"From this opinion, which I admit I formerly held, experience has made me a convert in favor of the section as it now stands. My reasons are, first, that the section provides that if the consignees receive back this commutation money for those who have left the State, they are liable for their support if they return and become paupers within five years from the time they landed. Secondly, experience has shown that very few return in distress after leaving the State on landing; but thirdly and principally, I am opposed to any change in this section for the reason of the great injustice such an act would work on the passenger business of this city. It would simply throw the whole business into the lap of New York. Take for instance, the line of magnificent steam-ships now plying between this port and Galway, Ireland; the last vessel of this line arriving here brought four hundred and eighty-two passengers, two hundred and sixty-two of whom paid their passage by this steamer *via* Boston to New York, and immediately on landing took passage for that city. Now if the owners of this line had not returned to them the sum of two dollars each, commutation on these passengers who went to New York, which sum they pay on landing here, of course they could not bring them on their ships, and as there would only have been two hundred and twenty passengers coming to Boston alone, they could not make the voyage a paying one, whereas by filling up with New York passengers they are enabled to send us two steamers, where otherwise they could only send one, if any at all."

In the same document, you will find the number of persons who, from among those who arrived in the years 1859, '60, '61, and '62,

because chargeable to the State in those years. In the year 1859, there were 36 in all, out of 14,623; in 1860, there were 53 in all, out of 15,700, and the expense was $772.00. In 1861, there were 51, out of 12,099, at an expense of $509.00 to the State; and in the year 1862, there were 16 in all, out of 8,430, at an expense of $86.59.

Now, sir, from October 1st 1854, to October 1st, 1863, a period of nine years, the amount of commutation-tax was one hundred and ninety-one thousand dollars. The amount refunded for passengers leaving the State was twenty-two thousand six hundred and eighty-six dollars, about twelve per cent. The consignees, who received back this head-money, became responsible for the support of those for whom the head-mony was refunded, if they returned here and went into one of our public institutions within five years. The operation of that law was, that if a person came back within five years, and went into one of our charitable institutions, when the Alien Commissioners found such a person here, they notified the consignee of the fact, and of the amount due, and he generally made an arrangement to send the passenger back, (for usually such people wish to return home,) and it was cheaper for the consignee, who had vessels running, to send him back than it was to support him in the almshouse.

I have always been of the opinion that our commutation-fee in Massachusetts was certainly as high as it ought to be, and that all these restrictions upon bringing passengers to this port should be removed to the utmost extent possible. The reasons for that opinion it is hardly necessary to recapitulate, they have been so often stated here; but there is this point to be considered, that all these passengers who come here simply to go to New York, two, three, or four hundred, perhaps, out of a shipload, spend a certain amount of money here. If they only stay over night, they leave here, in our community, several hundred, or, perhaps, several thousand dollars. It is, therefore, an advantage to the business of Boston, aside from the encouragement that it gives to our commerce, by helping to support the steamship lines that come here.

A great deal has been said about the facilities afforded by our railroad corporations. I think they are all anxious to secure this business, and that the improvements going on will add to the accommodation of passengers; and I also think, that if the cars which go back on our railroads empty should take a little freight for ballast, it would encourage the trade and commerce of Boston.

Question. (By Mr. KELLOGG.) How long were you the superintendent of alien passengers?

Ans. From 1858 to 1863, five years and a half.

Ques. Do you know, whether during that time, there was any tax on immigration into the city of New York, and how much?

Ans. Yes, sir, there was. My impression is, that at that time, the tax at New York was seventy-five cents. I am quite sure that was the rate at Portland. I may be mistaken in regard to New York.

Ques. Did that feature of the law have any effect that attracted your notice, on the immigration to the two cities?

Ans. I cannot say as to that. I never paid any attention to it particularly. The bringing of passengers to Boston to go to New York was undoubtedly affected by the fact that the head-money was refunded on the passengers who arrived at Boston to go to New York; but whether the difference in the head-money had any effect, I don't know.

Ques. It has been said that there is no law which makes it obligatory upon the State where a pauper lands to take care of him, nevertheless, when it happens that poor people arrive, either singly or in families, or in numbers, who are unable, by reason of sickness or poverty to take care of themselves, they have to be taken care of here, do they not?

Ans. No, sir. If a person arrived whom the Alien Commissioners had reason to believe would become a public charge, or, if they had reason to believe was a pauper sent over here by some workhouse in England or elsewhere, the consignees were obliged to give a bond instead of the head-money. In fact, all this head-money was commutation of the bond. The law said all these passengers should be bonded, and should not become a charge upon the State, and this head-money was a commutation of the bond.

Ques. How soon was that bond taken?

Ans. Immediately, sir.

Ques. Suppose, before the immigrants could get away, or could locate elsewhere, they were taken sick, or became poor and helpless, what was to become of them?

Ans. After the bond had been commuted, if they went into a public institution, the State was chargeable for their support. When such a person desired to go home, it was usual for the Commissioners to send him home, at the expense of the State, instead of supporting him here.

Ques. Suppose he did not want to go home?

Ans. We supported him in the almshouse.

Ques. (By the Chairman.) Was it a fact that absolutely incompetent persons were sent back without allowing them to land?

Ans. No, sir. Bonds were taken of the consignees that they should not become a public charge.

Ques. Were none ever sent back?

Ans. None, under those circumstances, that I recollect. I will say, further, that it was always a matter of grave doubt with us as to the constitutionality of this law, and we were always careful not to bring suits against parties landing passengers here. I know we had a great deal of trouble with the steamers from St. John, and the District Attorney, Mr. SANGER advised us not to press the matter to a suit, as he considered it very doubtful whether the State had a right to levy this tax at all.

REMARKS OF MR. JAMES ALEXANDER.

In reply to a question as to the accommodations furnished by the CUNARD line for passengers when they arrive at East Boston, Mr. ALEXANDER, said:—

Our property adjoins that of the Boston and Albany Railroad. Our wharf measures six hundred and fifty by three hundred and fifty feet. We have a large shed under which the passengers step on coming from the steamer. We have rooms adjoining that shed for the accommodation of passengers. These accommodations existed prior to the thirty-first of December last. Since that time we have made a contract with the Boston and Albany Railroad Company, and, in conjunction with the INMAN line, we now have the very best facilities for the reception of passengers. It is my opinion that these facilities could hardly be improved. They are almost perfect.

We provide an interpreter to transact business for those who cannot speak English. A great proportion of those who come here are booked for places at the West, or for New York.

In connection with fifty-two passages, beginning with the year 1869, we landed at East Boston one thousand three hundred and eighty-nine cabin passengers and twenty-two thousand one hundred and three steerage passengers — in all twenty-three thousand four hundred and ninety-two. I have not the number of through passengers for that particular year, but I have for the year dating from November, 1868, to November, 1869. In connection with fifty-two passages performed in the year I mention, eleven thousand three hundred and ninety through passengers were forwarded from East Boston, that is, to New York, Chicago, and all places beyond Boston.

Of that number, nine thousand five hundred and ninety-four went to New York. In connection with that, I would ask the Committee to note that the CUNARD Company have two lines of steamers proceeding from Liverpool, one to New York direct, and one to New York *via* Boston. It costs the Company two dollars and fifty cents for each passenger landed at New York, taken there direct (two dollars and fifty cents is the head money at New York;) and it costs the Company to take its steerage passengers to New York *via* Boston five dollars and fifty cents. Of this sum two dollars is head-money, and three dollars and fifty cents is paid for transportation from East Boston to New York.

The total amount of head-money paid by the CUNARD Company in Boston last year in connection with the fifty-two passages I have mentioned, was forty-four thousand and twenty-eight dollars; and, during that year, my predecessor, Mr. FRANCKLYN and I signed special bonds for three hundred and ninety-six individuals for whom head-money was refused. Those were cases of sick and crippled people. In some cases we gave a bond for three hundred dollars. In others, from one hundred dollars to one thousand dollars. Out of that number, I will say to the Committee, that no claim has been made upon the Company in connection with any one of them. I have heard nothing from them.

I have been asked what accommodations we have for the reception of passengers. I would say that these are so complete that I should consider that any interference between us and the passengers would be productive of mischief. I think the greatest service we can render the passengers on their landing here is to forward them to their destination with the utmost speed. They always desire to be forwarded as quickly as possible, and it has been the aim of the Company to do this.

If the Committee will allow me, I will say, with all due deference to them, for I am aware that they understand the matter much better than I do, that it seems to me this law was framed to meet a state of things which has passed away. Mr. HILL, in his address, referred to the packets which formerly came to this port. Now, those packets, I presume, were often at sea sixty days, and, therefore, there was a probability that disease might spring up among the passengers. Steamers now perform the voyage sometimes in eight days. The *China*, last year, made one voyage in a few minutes under eight days. The passengers are inspected before they leave the other side. They are stopped at the quarantine station on their arrival here, and if there is any disease on board, the quarantine doctor has it in his

power to order the passengers on shore. Therefore, there is very little chance, in view of the shortness of the voyage, for any disease to break out on board the steamer.

Question. (By the Chairman.) Do you have an inspection in regard to the health of the passengers before you receive them?

Ans. After they are on board they are inspected.

Ques. You don't refuse a passenger because he is sick?

Ans. We can't say whether a passenger is unable to endure the passage until we see him. Certain passengers are refused on this ground—that they are sick or lame, or that we should be responsible for them if they came here.

Question. (By Mr. DERBY.) In that connection, I would ask you this question—whether deaths are not very uncommon on these passages?

Ans. They are so very rare as to be hardly appreciable. My own experience in Boston extends over ten months, and I don't suppose that above half a dozen deaths have occurred during that time, and some of those were children.

Question. (By the Chairman.) Do you know who pays this head-money? Whether it comes from the passengers, or from the Company?

Ans. The company undertakes, for a certain sum, to bring the passengers here, Necessarily, this charge will form an element in the computations of the Company in fixing the rate of passage money.

Question. (By Mr. GARGAN.) How much do you think you could increase immigration at this port if this tax were repealed?

Ans. I cannot tell you how much. I can merely state to you, as I have already said, that the CUNARD Company has two lines of steamers at present sailing from Liverpool and Queenstown to the United States, one line going directly to New York, the other going to New York *via* Boston. During the present year the Company intends to put on another line, and send two to New York direct, and one to Boston. I have pointed out to you that it costs the Company three dollars more a head to land its passengers in New York *via* Boston, than it does to land them in New York by the steamers going there direct. If that difference were overcome, I should say it would have the effect to induce the Company to send its passengers in larger numbers to this port. It is impossible to say how much larger.

Question. (By the Chairman.) You have the power to fix that? These passengers do not stipulate where they shall be landed, do they? All they desire is to come to a point as accessible to the West as possible.

Ans. Yes, sir. One consideration with passengers of course will be, that they are a shorter time at sea if they come to Boston than if they go to New York. Most people are desirous of getting on shore as soon as possible.

Ques. Do they make that inquiry?

Ans. I should conceive that that would enter into any man's calculations in considering the question.

Ques. If the head-money were removed, it would still cost a dollar more to get a passenger to New York by the way of Boston than to take him there direct?

Ans. Precisely.

Ques. Would not the Company, to save that dollar, be apt to take him to New York?

Ans. If the money difference were reduced to one dollar, the present objection to bringing passengers here would be modified to that extent.

Ques. As regards your steerage passengers, what is the difference between the price to New York and the price to Boston?

Ans. The same price.

Question. (By Mr. KELLOGG.) Is your price for first-class passengers from Liverpool the same to New York and Boston?

Ans. No, sir, it is not.

Ques. Is it true that passengers, when they go on board the ship on the other side, do not have it determined whether they are going to East Boston or to New York?

Ans. Every passenger should know where he is going to. He is supposed to satisfy himself in regard to where he will go. Certainly there is no concealment on the part of our Company.

Question. (By Mr. PIERCE.) Is there anything for the State of Massachusetts to do in the way of supplementing what you do in behalf of these immigrants when they land?

Ans. I don't think there is.

Ques. Is there any additional interpretor needed?

Ans. I think not. As far as my experience has gone, I think our arrangements are as nearly as possible perfect; and it being the object to forward all the passengers at once on landing, I think any interference of the State, instead of being beneficial, would be mischievous. I do not see that it is necessary for the State to do anything.

Ques. Are you in favor the State's refunding the two dollars when the immigrant passes beyond her borders?

Ans. I am favorable to that as a partial measure; but I would rather have the tax abolished altogether.

Statement of Mr. Edward Ryan.

Before any questions are put to me I should like the privilege of making a few remarks upon this subject. I was once an immigrant myself; I have been an Irish immigrant; and it is very likely I may make some "bulls" while talking. If I do, you must catch them gently by the horns.

I have been connected with the immigration business for twenty years in this city. In 1851, I was agent of the society for the protection of immigrants. In 1852, I was appointed upon the Board of Alien Commissioners, under the administration of Governor Boutwell, and served three years in the Alien Passenger Office on Long wharf. For the last fifteen years I have been engaged as passenger agent for various lines running to this port. I was agent for the Galway line during the time of its coming here. I have been the agent of the Inman line for a number of years. For the last two years I have been acting solely for the Cunard line, as steerage passenger agent. All the steerage passengers who have been landed in Boston by that line for the last two years have been attended to by our firm,—Lawrence & Ryan,—and forwarded north, south, east and west; and I am glad to have the opportunity to appear here before you, and to say what I think upon this proposition from the Board of Trade.

You have heard a great many remarks from the gentlemen who have preceded me,—the question of frieght, both inland and foreign, and every thing else, has been touched upon,—but I don't think they have dwelt upon the question that is immediately before you quite so much as they ought to have done. I am not in favor of refunding the two dollars head money and retaining the law as it now stands with reference to the other passengers, because I think it would put us to a great deal of extra labor and trouble to be obliged to classify the passengers, and discriminate between those who leave the State and those who remain here. I did it for a number of years, and can do it again, if necessary; but I should much prefer to see the law modified, and to have a special tax fixed, say half a dollar or a dollar a head. My individual opinion is, that half a dollar collected from the steamship companies for every alien passenger landed in Boston, who was never in the United States before, will cover all the expense

which the State may incur on account of these immigrants for five years. That is my individual opinion, and I cannot conceive how the Alien Passenger Agent or any employee under him can have any interest in keeping this matter as it stands at present, because he must know that it operates against the interest of the State and of the city. He must know, too, that all the State wants from these people is enough to cover the expense to which it may be put on their account. There is an Alien Passenger Agent, who has an office on Long wharf; there is a deputy who boards the steamers, and he has two assistants. The rent of that office, and the salaries of those officers, of course must be paid by the State. I should be willing to see the commutation fixed at any sum which, in the opinion of the Alien Commissioners, would be sufficient to pay the expense that the State incurs upon this matter, and make it a general thing. I believe that fifty cents a head would cover it.

I should like to see the law so modified as to require the steamship companies to pay fifty cents on each alien passenger, and in addition to that to give the State a guarantee,—which I am sure the companies would be very glad to do,—that if any of those passengers shall become a public charge within the period of five years from the time of landing, they will pay every cent of expense that the State may incur on that account. If fifty cents is not enough, make it seventy-five, or make it a dollar; but make it uniform; let us have but one sum.

The question has been asked, would this money be given back to the immigrants? Certainly not; because when a passage is sold, it is sold, including all port charges, doctor's fees, and all those things. Therefore, the immigrant would not be entitled to get anything back, if the reduction was made. But the real difficulty to which I wish to call your attention is this: we have probably a hundred agents in various parts of the New England States, who have our tickets and drafts to sell on Europe. A man living in Lawrence, perhaps, or Lowell, after his day's work, can go to our agent and purchase a ticket to bring out his brother, or sister, or family, in Ireland or Scotland, to Boston. Now, for thirteen years all the passengers we brought from England, Scotland, or Ireland, we had to bring by the way either of New York, or of Quebec and Portland. We had no line coming here direct until the CUNARD Company put on their freight steamers to come here two years ago. At that time, my firm gave up our other agencies, and took the steerage passenger agency for that line; and during this period they have landed in Boston over twenty thousand passengers.

Now, with regard to New York. I know the difficulties that ship-owners and immigrants, and the friends of immigrants, have to contend with in New York. I have been in correspondence with the Commissioners of Immigration and their department for the last twenty years, and if my friend, (Mr. PIERCE,) who has spoken about their excellent arrangements, knew as much about them as I do, he would not, perhaps, think so much of them. I know that the Commissioners in New York have a great deal more to contend with than the Commissioners here. I will say this for the agents of the State here, that they have done everything in their power to facilitate our business. They allow our ships to come into the dock without stopping in the stream or at quarantine, unless there is sickness on board. They allow our passengers to march out of the ship without being personally examined, and on the dock they have their deputies to look and see if there are any hard cases among them. The State agents within the last year have done everything in their power to enable us to compete with New York, and I think we are beginning to do it. But I hope they will go for a modification of this law that will take off the head-money, or make it merely a nominal sum. And they must not lose sight of this fact, that whatever reduction is made in head-money will undoubtedly revert, in the end, to the advantage of the immigrants and their friends, because it will enable us to land passengers in Troy, Springfield, Albany, or any other place twenty, thirty, forty, fifty, or one hundred miles from Boston, as cheaply as they can be landed there from New York. The New York railroads give special facilities to these immigrant passengers; the New England roads have not done so until recently. The Boston and Albany road have now come to our terms, so far as relates to Buffalo and Suspension Bridge, and beyond; they take them there at the same rate that they can be taken from New York.

If the head-money were reduced to fifty cents, nine-tenths of the immigrant passengers that are carried to New York by the CUNARD boats would come to Boston; because, in the first place, the Boston boats sail every Tuesday, the New York boats every Saturday. If there were one or two hundred passengers in Liverpool on Tuesday, they would send them by the Boston boat, instead of keeping them until Saturday. A majority of the passengers of late have been Germans, Swedes and Norwegians, who go directly to the West, and the largest proportion of them have gone West by the way of New York, for the simple reason that they would not believe they were in America unless they came to New York. They have got that impression in Europe; they do not know—many of them—that

such a place as Boston exists. I have been through the West within a year, and have had the greatest difficulty in convincing the agents there, who are booking passengers, that they had better land their passengers in Boston than New York. I have succeeded now, to a certain extent, and we are getting some of the prepaid business, as we call it, at the West. We have proved, I think, during the last year, that passengers destined for the West can be landed here with much less trouble and have far better facilities than in New York.

I will say one thing in regard to our railroad companies: they do not restrict the immigrants with respect to the amount of luggage they shall carry. The companies have acted very liberally in that regard. They let them take all the luggage they have. In New York, it is not so. All the baggage is weighed in Castle Garden, and every pound over fifty has to be paid for, and if not paid for, it will be kept until it is. That is one feature of the Castle Garden arrangements. If anybody reads the reports of the New York Commissioners he will naturally think that they have the finest arrangements in the world; but the immigrants who go there are subjected to expenses and delays, and to the extortions and impositions of land-sharks and runners. Undoubtedly, it is an improvement on the old system. We have no sharks in Boston; we have not a single boarding-house runner in this city. That is saying a great deal for Boston, and I am proud to say it, for I know it to be true. We do not need, therefore, to have our immigrants fenced in, as they have them in New York, to keep them out of the way of the sharks. But inside that fence, and under the pay of the Commissioners of Immigration, there are sharks who rob the immigrants equally with any of the persons who would do it outside. I have had occasion many times to call the attention of the Superintendent of Immigration to impositions that have come under my observation within his own enclosure.

The question for us to consider is, whether we shall modify this law so as to enable the agents of steamships coming to Boston to compete with the agents of vessels going to New York or Portland. My agent at Portland is writing me every day in regard to the reduction made by the ALLAN steamers, and the facilities that they afford for alien passengers; and to meet this competition, this law ought to be modified, so that the companies can afford to send their passengers to Boston. As I said before, the CUNARD Company will not send their New York passengers by the Boston boat, when they have to pay two dollars each for head-money, besides their fare to New York. If they only had to pay a dollar for head-money, and three dollars fare

to New York, if they had a hundred or two passengers at Liverpool when the Boston boat sailed, they would rather send them by that boat than keep them for the Saturday boat, and send them direct to New York. But when the difference is three dollars, it is of course, much more of an object to keep them in Liverpool, where they board them, until sailing-day, than to send them to Boston, and then forward them to New York.

I should like to call the attention of the Committee to the law as it now stands. One clause is, as follows:—

"No insane, idiotic, deaf and dumb, blind, deformed or maimed person, among said passengers, or alien who has before been a public charge within this State, shall be permitted to land until the master, owner, consignee, or agent of such vessel makes and delivers to said Superintendent a bond to the Commonwealth for each of said persons, with satisfactory sureties in the sum of one thousand dollars, conditioned that such passengers shall not within ten years from the date thereof become a city, town, or State charge. And no other passenger shall be permitted to land until a bond is given as aforesaid, in the sum of three hundred dollars, conditioned that he shall not become a charge as aforesaid within five years from the date thereof; but in lieu of the bond last mentioned, the Superintendent may receive from said master, owner, consignee, or agent, such sum, not less than two dollars, as in his judgment is sufficient to cover the risk incurred by the Commonwealth in permitting such passenger to be landed."—(*G. S., Chap.* 71, *sec.* 15.)

I remember that when the constitutionality of the old law was tested before the courts, and finally carried to the Supreme Court of the United States, I think in 1847, the court decided that to levy a capitation-tax on foreigners landing in this country was unconstitutional; but they said the States had a perfect right to pass laws that would protect them against pauperism. It was under that decision that the present law was framed in this State and that of New York also; and you can see that this law does not give to the alien passenger agent a right to claim any money, to exact any capitation-tax; but it gives him the right to require a bond, and it says, in lieu of that bond, he may take two dollars. Of course, the alien passenger agents, all along, from the time this law was passed, have done as the law allows them to do: that is, they have taken the two dollars for the able-bodied, and have required a special bond for those who were otherwise. The consequence has been, that the State has been put to but very little expense on account of foreign paupers, for the past few years, at any rate. According to this law, the agents of the CUNARD line, or of the INMAN line, have the right to refuse to pay any capitation-tax; they have the right to say to the alien passenger agent, we shall not pay this bill which you present to us, but we will give you the bonds. Then the alien passenger agent would fall back

upon the law, and say, we shall compel the steamer to remain in the stream, and will not allow a single passenger to be landed until you have given us a separate bond for each and every one of those passengers, as the law reads. That answer was given, years ago, when I was in the office of the alien passenger agent, to the owners or agents of a ship which desired to give this bond.

If this law were altered to-morrow so that the agents of the English lines of steamships could go to the alien passenger agent and say, we are ready to give you a bond in any sum you require, be it fifty or one hundred thousand dollars, to respond promptly to every demand made upon us by the State of Massachusetts on account of any passenger landed by us in Boston who may become a public charge within five years from the day of landing,—if the law were so altered that they could enter into such an arrangement with the State, through its agent, not a single dollar would be paid out of the treasury of the State on account of these people. Those agents would give the bonds required, and they would pay all the expense the State incurs. My experience of twenty years teaches me that twenty-five cents on each passenger would more than reimburse any man with more than ordinary interest who would undertake to pay all these expenses of the State if the companies were allowed to give such a bond. But this law was framed by a cunning lawyer, with the view of enabling the State, or its agent, to perform indirectly an act which was not constitutional, that is, to demand this capitation-tax.

For the last two or three years, the Irish immigration has fallen off very materially, and the English and Scotch has increased, while the continental immigration exceeds all of them put together, and everybody familiar with the business knows that nine-tenths of all the continental immigrants who come to this country go directly to the West. I think, therefore, that the commutation-tax that this State requires should be reduced to the very lowest figure, in order to enable the companies now sending their steamers here to compete with the ALLAN line, or any other line that may start in opposition to them to bring those passengers to this country. We paid, last year, twenty thousand dollars for inland transportation alone. That money has gone into the treasury of the Boston and Albany Railroad, and the other railroads by which we have sent those passengers. This is a matter which, I hope, the Committee will consider; and when they propose to reduce this tax, they must not consider that they are doing it for the purpose of putting money into the pockets of the steamship company, or their agents. I have no pecuniary interest in the matter whatever. It makes no difference to

me whether the commutation-money is one dollar or ten dollars. I get a certain percentage from the Company for what I do, and I do not get any pay for anything I do not do.

Question. (By Mr. DERBY.) What, in your opinion, would be the increase of immigration if your wishes could be carried out?

Ans. I believe the Anchor line from Glasgow, who are going to start two steamers a week after the first of April, would send a steamer to Boston a week, if this head-money was reduced to fifty cents. They have branch steamers running to Gothenburg, Antwerp, and other places, and sailing from those places to Leith, and there the passengers are taken by the cars to Glasgow, and by steamer from Glasgow to New York. They are expecting to bring over several thousand Norwegians and Swedes this year, to be sent to the West.

Ques. What would be your estimate of the entire immigration?

Ans. I have not the least doubt that it would be trebbled to Boston before the first of January, 1871. I think, at the lowest calculation, it would be fifty thousand, instead of twenty-three thousand, the number brought last year. Special bonds were given by the CUNARD line, in the last two years, for nearly four hundred passengers, and we have not been called upon to pay a dollar on those bonds, except in one case, and that was the case of a person who went into one of our almshouses, and wished to return. That is the only case that has turned up out of four hundred in two years, of these very doubtful cases.

Question. (By Mr. KELLOGG.) You speak of the last two years. The bonds run for five years. Have you any means of testing how much you have been called upon to pay during five years?

Ans. The CUNARD Company have only brought immigrant passengers here for two years. I had charge of the steerage passenger department of the Galway line when it came here some years ago, and it was called upon by the State in several instances on account of its passengers after the company had failed. I think I can safely say, from my knowledge of this business, both in the alien passenger office and out of it, that for the last fifteen years, the lines bringing immigrants to Boston have not been called upon by the State in one case out of twenty where bonds have been given.

Question. (By the Chairman.) How do you account for this change? You say that for the last two years, there has been only one case out of four hundred?

Ans. Within a few years past we have had no immigrants except a class of people who have come of their own accord, or been sent for by their friends here. I have been surprised to see how well

dressed these passengers have been, especially the women, compared with people of the same class here. The immigrants coming now are, so far as appearances are concerned, far ahead of the laboring class of people around the city of Boston to-day.

Question. (By Mr. DERBY.) And greatly improved over what they were twenty or twenty-five years ago?

Ans. Yes, sir; there is no pauper immigration coming from Europe now.

STATEMENT OF MR. M. S. CREAGH.

Question. (By the Chairman.) Will you state the arrangement that your line has with the Boston and Albany Railroad?

Ans. The arrangement for passengers to Springfield is the same now that it is from New York. It had not been previously to an arrangement made with the General Ticket Agent a few days ago. They take passengers now from Boston to Springfield at the same rate that they are taken from New York to Springfield, one dollar and seventy-five cents. We formerly paid three dollars.

Our first steamer for Boston sailed from Liverpool the first of January. The number of passengers we have landed here is small, comparatively speaking, and it is no criterion by which to judge of the amount of business we do. Our business with New York, during the year 1869, was three thousand four hundred cabin passengers, and fifty thousand six hundred and seventy-nine steerage. Part of those passengers were brought by the steamers that are coming in here now. During the summer months, our steamers average about seven hundred and fifty passengers apiece.

Question. (By Mr. DERBY.) How many steamers did you run to New York last year?

Ans. One every week, and two every alternate week—six steamers a month.

Question. (By the Chairman.) How many steamers have come here?

Ans. There have been four. They run once a fortnight.

Question. (By Mr. DERBY.) Is it in contemplation to come oftener?

Ans. If proper inducements are offered, I have no doubt the Company will increase the number of trips to this port. After the first of next month, we are going to add to our line to New York. Those steamers could come here, if there was sufficient inducement for them, just as well as to New York. That would make a weekly line instead of a fortnightly.

Question. (By the Chairman.) You have the control of the passengers, in fact, do you not? That is, you can say whether they shall come to Boston or New York, in selling the tickets?

Ans. Certainly. We sell a great many tickets here in the office, prepaid tickets, which we control ourselves. All that are sold here are sold for Boston direct by the Boston steamers.

Question. (By Mr. GARGAN.) Something has been said with regard to the different prices charged for continental freight. I would like to have you give the Committee your ideas on that subject?

Ans. We cannot compete with the CUNARD line, because they have their own steamers running from Havre to Liverpool; consequently they can charge a less rate than we do, when we have to get our goods *via* Southampton. In coming to New York, they have to compete with French steamers from Havre direct; consequently the rate is lower.

Ques. It has been stated that a Boston merchant could get his goods cheaper by shipping them to New York, and then having them forwarded to Boston than by shipping them direct to this city. How do you account for that?

Ans. It is accounted for in this way. If we land all our cargo here, we require some ballast to take our ship round to New York, as there is but little outward freight here just now. Consequently, to afford some inducement to New York importers, we have named a very low rate to induce them to give us goods sufficient to ballast the ships when we go round. Of course, if there was an export trade here, we could bring all our cargo here to Boston, and load up with whatever freight we wanted to take our ships round to New York.

I will read a few figures to give you an idea of the amount of business that our line did last year in the export trade. Cheese, 559,903 boxes; part of that business can be brought here as soon as the connection is opened with the Hudson. Bacon, 38,285 boxes; wheat, 564,279 bushels; flour, 36,254 barrels; beef, 12,119 tierces; pork, 5,756 barrels; lard, 22,751 packages; cotton, 39,981 bales; hops, 15,955 bales; corn, 68,703 bushels; apples, 7,899 barrels; machinery, 3,503 packages.

Our import trade to New York for the same time, amounted, in the aggregate, to about ninety-three thousand tons of dry goods.

I might also mention, gentlemen, that since our steamers commenced to run here, our passenger business has increased considerably. For instance, we have sold, since the first of January, through our office here, and our agents, prepaid tickets to the amount of three hundred and seventy-seven adult immigrants.

Question. (By Mr. DERBY.) If your vessels had not come here, would not most of those passengers have come to New York?

Ans. The way we did our business last year, of course all our New England passengers came to New York, and consequently New York got the head-money. Previously to the CUNARD line running here, we controlled entirely the New England business, and landed all our passengers in New York. Besides the figures I have given you, there are offices in Liverpool, and all over Scotland and Ireland, where they book passengers in the same proportion that we do, for the New England States.

It has been asked here, who is to get the benefit of the head-money, if it is taken off? The passengers will get the benefit indirectly. For instance, since the first of this month, we have reduced our rate from thirty-seven dollars to thirty-four dollars to Boston. We charge thirty-seven still to New York. Then our Company also contemplate giving the passengers fresh provisions from the time they start until they are landed. Formerly, of course, they had to take salt provisions the same as the crew.

Question. (By Mr. GARGAN.) You propose to make it up to them in a better quality of provisions, among other things?

Ans. Yes, sir.

Question. (By Mr. DERBY.) Do you give them comfortable berths to sleep in?

Ans. Yes, sir.

Ques. Are the beds or mattresses, provided by the vessel or the passengers?

Ans. The passengers have to buy them.

As I said before, if proper inducements are offered to us, we will increase our line here. There is no doubt about it. These steamers can go to New York and pay handsomely. They have been running there for four years. We are put to extra expense here, as, for instance our stevedore charges are higher than in New York.

My idea would be to give one bond, of say fifty thousand dollars, to cover all this responsibility. Individual bonds could not be given. We could not get a sufficient number of sureties.

Question. (By Mr. GARGAN.) Practically, then, it would be impossible to comply with the law without great inconvenience and expense?

Ans. I don't think it could be done at all.

Ques. So that, in reality, you are obliged to pay the two dollars?

Ans. We are, sir.

Question. (By Mr. PIERCE.) You have brought freight here for Boston and New York?

Ans. Yes, sir.

Ques. What proportion of the freight that was brought here belonged to Boston people, and what proportion to New York?

Ans. About five-eighths for Boston and three-eighths for New York.

Ques. You would charge double, as I understand it, or about that, for freight from Havre to Boston, what you would charge from Havre to New York?

Ans. No, sir, we charge the same.

Ques. Do you mean to say that you bring freight as cheaply from Havre to Boston, as from Havre to New York?

Ans. Yes, sir.

Ques. Then how does the CUNARD line keep any business?

Ans. That is a question you might ask the agent of the line. He possibly can answer it better than I can. There is not much Havre freight for Boston.

Ques. You know they charge sixty shillings to Boston and thirty shillings to New York?

Ans. I can't say that they charge thirty shillings to New York; that is what I have heard.

Ques. You have already said that they charge this low price to New York merchants, because the vessels going from here to New York needed ballast. It seems to me that this indicates there was a great deal of it if this freight was needed for ballast.

Ans. Not necessarily so. We ballast our ships with coal and pig iron, also.

Ques. Did you not give first, as a reason why there was this inequality of freights as against Boston, that this Boston freight was needed for ballast while the vessel was going to New York?

Ans. No, sir. I did not refer to Boston cargoes at all. I referred to our New York importers. It is not natural to suppose that a New York importer will bring his goods by the way of Halifax and Boston without getting some reasonable reduction, when there are so many direct lines to New York.

Ques. The great mass of the freight you bring into Boston is for New York?

Ans. No, sir. Our ships have come in with coal to carry them round, without much freight for New York.

Ques. Were you full or not?

Ans. I cannot say we were full.

Ques. Why do you not have your vessels start from this port, on the return voyage, as well as come to this port?

Ans. There is no export trade here, sir.

Ques. You don't propose to charge an immigrant passenger from Liverpool to Boston any less fare than you charge the immigrant passenger from Liverpool to New York?

Ans. No, sir. He can buy his ticket from Liverpool to New York, by the way of Boston, at the same rate that he can go directly to New York.

Ques. I don't think I understand you. It is, perhaps, my fault. Suppose an immigrant wants to come from Liverpool to Boston, you charge him how much?

Ans. Six guineas; that is buying his ticket in Liverpool.

Ques. Suppose he wants to come from Liverpool to New York, what do you charge him?

Ans. Six guineas.

Ques. You don't propose to charge him any less to Boston than to New York?

Ans. No, sir; but if he buys his ticket on this side, we will sell him a ticket to Boston for thirty-four dollars, and if he wants to be landed in New York, it will cost him three dollars more.

Ques. Suppose a party goes to your agents in New York to buy a prepaid ticket, what is the charge then?

Ans. Thirty-seven dollars.

Ques. Then you mean to say that a prepaid ticket may be bought of your line here, to bring a passenger to Boston, for three dollars less than a ticket can be bought for in New York to go there?

Ans. Yes, sir.

Ques. Why is that?

Ans. Well, we want to try to build up a business here if we possibly can?

Ques. It is your regard for this city?

Ans. It is our intention to encourage immigrants to come to Boston.

Question. (By Mr. GARGAN.) Is that a paying rate now.

Ans. It is made in the expectation of making up the difference in money in the number of passengers we take.

Question. (By Mr. PIERCE.) Who fixes the rate? I suppose it is done in Liverpool?

Ans. No, sir; it is done in New York.

Ques. Where do the owners of your line reside?

Ans. In England.

Ques. What parties fix the charges for passengers and freight?

Ans. If a man is shipping goods from Liverpool, he engages his freight there; and if he is shipping goods from this side, he engages his freight here.

Ques. Who fixes the general charges and rates? Don't the owners, who live on the other side?

Ans. They fix the rates on freight and passengers that relate to their own place; and on this side, the general agent does the same thing.

Mr. CANDLER. The Board of Trade leave the matter here. Our intention was not to enter into any argument before you. Our desire simply was to give you the information that we had, and leave it to your judgment to draw the conclusions. I will say, however, in regard to the freight between Boston and foreign ports, that every merchant understands that this is a question of competition. Our desire is to have Boston offer as many inducements as possible to attract steamship lines to come here. Their rates of charges will depend upon the competition among themselves. Every importer finds a difficulty in different parts of the world in chartering vessels for Boston, because New York is a larger port both of import and export. While the discussion was going on between Mr. PIERCE and the gentlemen here, it occurred to me that within a very few days, in a branch of trade in which I am interested, chartering vessels in Valparaiso for Boston and New York, we offered a difference of five shillings a ton to get vessels to come to Boston instead of New York, because we would rather import cargoes here; but we send three out of four cargoes to New York, because we can get lower freights to New York than to Boston. Every importer finds the same difficulty.

But, gentlemen, the desire of the Board of Trade, so far as I know it, (and it influenced them in passing that resolution and sending us before you,) is to lay aside all the restrictions possible, consistent with the interest of the State. We believe that, the more freedom we have, the more successful Boston will be. Some of us are inclined very much to free-trade principles; others believe in a very gradual approach to them; but we stand on the ground, that regard for the interests of this city requires that we should have as few restrictions as possible, and not allow any trifling tax to prejudice people against coming here, thus entailing a much greater loss than the gain we receive. But, as I said, we did not propose to come here before you to argue this case. That is not our province. We come before you as business men, simply to discharge the duty imposed upon us by the Board, to lay before you the evidence that we have, and leave that evidence to operate upon your minds as it may.

Statement of Mr. G. C. Berry.

Mr. Chairman and Gentlemen :—

I may say that previous to and since the announcement of the Inman steamers coming to Boston, and with a view to build up the passenger business of the line, I have made careful and particular inquiry into the question now before the Committee, and in conversation with several gentlemen on the subject, it has been generally admitted that some modification of the law as it now stands would be judicious. This might be effected either by restoring to the statutes, as the resolution of the Board of Trade asks, the sections repealed in the year 1865, which exempted aliens passing through the State from the impost of head-money, the agent, or consignee, and the captain of the vessel bringing such aliens giving a bond in lieu thereof, or by reducing the commutation to a nominal sum per head, which I am confident would give such an impulse to immigration as to more than compensate the State for the reduction.

By the report of the Commissioners of Immigration, it appears that the number of immigrants who landed in New York during the year 1869 was 258,989. This was an increase of 45,303 over the number who landed in 1868, and of 75,399 on the average number of yearly arrivals, Germany sending 99,695, Ireland 66,204, Great Britain 41,090, while from all the other European nations there were only 52,090.

The Germans were fewer in number last year than during the year 1868, but the Irish immigration increased nearly fifty per cent. and the English nearly thirty-two.

Of these, 85,810 settled in the State of New York, 38,213 in Illinois, and a large proportion of the remainder settled in Pennsylvania, Ohio, and Wisconsin, while 8,384 came to New England.

There was a marked improvement in the health of the immigrants as compared with those of previous years, and the danger that epidemic diseases will be brought by immigration, is daily lessening as the swift steamers supersede the slow-sailing and over-crowded immigrant packets.

I may add, that of the whole number, upwards of fifty-three thousand were brought by the Inman line. Deaths on the passage seldom occur, two experienced surgeons being attached to each of the company's ships.

The St. Lawrence route to the West, and to the Eastern and Midland States, is also a great competitor for this traffic.

Question. (By Mr. DERBY.) Have you the rate of head-money that is paid at Quebec?

Ans. I resided in Canada for six years, where I had considerable experience in this business, and, as far as I can recollect, there exists no tax of this sort at Quebec beyond something like fifty cents; and I think that is regarded more as an examination fee than as a tax.

Question. (By Mr. GARGAN.) If this head-money were reduced to a nominal sum, do you think the ALLAN line might be induced to send their steamers here rather than to Portland?

Ans. I think far more than likely. It would be a result sure to follow during the winter months, and when once they commenced to run to Boston, they would certainly return from this port, the same as from Portland at present; and I think it rests with this Committee to decide whether Boston shall not have a very large proportion of the vast tide of immigration during the ensuing season.

Mr. HILL. It has been suggested by some of the gentlemen who have spoken on the other side, that it might be an advantage for the immigrant "to buy his ticket for the West after his arrival here, rather than to buy it on the other side of the water." I would remind the Committee, that the tendency of the present day is to concentrate everything of that kind as much as possible; and it is considered a very great advantage for parties on the other side of the ocean, who are coming here, to purchase their tickets in advance, as far as they can go. The last time I came back from England, there was a gentleman on board who had bought his ticket in Cheapside, London, for Japan, and he felt that it was a great advantage to him, as a stranger here, to have in his pocket his tickets across this continent and the Pacific ocean; and, I submit, that if it is an advantage to the cabin passenger to be able to do this, it must be a still greater advantage to the immigrant, who has not so many facilities for getting information, on arriving here, as a person in a different station in life would have.

As showing the tendency of the present age, I have brought for the Committee a few tickets which have been printed by the officers of the Erie Railway, (not yet for sale,) for a trip round the world, and the time is coming when a ticket will be sold in Boston for a trip round the world, to land the person in Boston again.

ADDITIONAL STATEMENT BY MR. M. S. CREAGH.

Mr. WRIGHTINGTON has remarked that sometimes persons who were put down on the purser's lists as girls of sixteen, turned out to

be, on examination, old women of sixty. As I said, I do not see how that can occur, where the ages are taken from the persons themselves; any man of common sense would not put down a woman's age as sixteen when she was sixty.

Question. (By Mr. DERBY.) Do you see any difficulty now in regard to passengers who do not meet their friends on landing?

Ans. Not at all. In case of passengers not meeting their friends, we always provide accommodations for them, and make every inquiry as regards their destination.

Ques. You see no occasion, then, for a State Agency?

Ans. No, sir, not the least.

[A passage ticket, sold on this side, to be sent over to the person about to immigrate, was exhibited to the Committee.]

Question. (By Mr. KELLOGG.) In regard to the steerage passenger ticket on the other side, is there a certificate like this, or are they booked like the cabin passengers?

Ans. They get an ocean ticket, and then get an order on us for the balance of their transportation, if ticketed beyond Boston.

Ques. Do those certificates enable you to identify the persons that they bring to you? Suppose the head of a family?

Ans. If it is a family, they enter all the names and ages. You see there is a column there for adults and a column for children. We put down the ages of the children and the ages of the adults, so that there is really a double check in regard to the ages of passengers.

Question. (By the Chairman.) The bulk of your business is the transportation of passengers? You don't rely a great deal upon freight?

Ans. Not in certain seasons of the year. We rely mostly upon passengers in the summer.

Ques. You take freight back?

Ans. Yes, sir, in very large quantities.

Question. (By Mr. DERBY.) Does not the CUNARD line bring a great deal of freight?

Ans. The CUNARD line brings a great deal more to Boston than we do. They have been established much longer.

MR. EDWARD RYAN, RECALLED.

Question. (By Mr. DERBY.) A suggestion has been made in regard to establishing a State Agency to take charge of the immigrants. What is your opinion in reference to that?

Ans. I don't believe there is the least necessity for it. I was much surprised when Mr. WRIGHTINGTON made the suggestion,

because I thought he ought to know. I believe that the establishment of such an office as Mr. WRIGHTINGTON suggests, and compelling the steamships to anchor in the stream, and the passengers to be carried ashore in tugs, as in New York, and put in a place where they would be under the control of the State Agency, would have a tendency to drive business from Boston. There is no necessity for it whatever. I have control over the passengers, and I can say with truth, and without the fear of contradiction, that not a single one is permitted to come outside the Company's dock until he is attended to by the agents of the Company. We have an interpreter and three assistants on the arrival of every steamer, and we take charge of every passenger who arrives, without any regard to whether his passage was paid in Europe or on this side. Even those who have no friends, but who come here to get a living, we take charge of, and see that they are provided with proper lodgings. The difficulty has been with me, that I have not found enough to send to the places that were waiting for them. We have very frequent applications for male and female help,—more than we have been able to supply for the last two years.

Ques. Do your duties conflict at all with those of the passenger agent?

Ans. Not in the least. Mr. WRIGHTINGTON'S deputy with his assistants, is on our dock on the arrival of the steamer. The steerage passengers are not permitted to leave the ship until the cabin passengers and their luggage are landed. Then they are marched out, one by one, and Mr. STETSON, the deputy, stands there and examines every passenger as he leaves the ship. If any of them have the appearance of being unable to take care of themselves, he stops them, and makes a thorough examination of them; and if he finds any who, in his opinion, would be likely to become a public charge, he makes a memorandum, and requires a special bond for them. We all work together harmoniously, are on the best of terms, and do all we can to help each other.

It takes about two hours to get through with eight hundred passengers—to muster them and make the examination. I will say one thing, while I am up, and that is, that I think the State ought to have a linguist in its employ, in the Alien Office, or on Long Wharf. There it is deficient. There is nobody who can speak anything but English, except a boatman, who speaks French. Of course, he does not do anything except muster the passengers from below on deck. I think the State should have a man who can speak French, German, Spanish and Dutch. If the State had such a man in its employ, to aid Mr. STETSON in making his examinations there would be all the facilities

which are wanted. When a CUNARDER is at the dock, no outsiders are permitted inside the fence. The State could not build a better place than ours to make any examination which may be required, and I should be most happy to have the agent of the State remain on the dock until every passenger has left, and see that no injustice is done them, and that they are not permitted to wander into the streets, or seek aid from outsiders.

Ques. What will be the expense?

Ans. I know a gentleman in Gloucester, who has been a Professor of Languages in Antwerp, who speaks all those languages fluently, who is just the man for it. He would be very happy to take the office at twelve hundred dollars.

Question. (By Mr. VILLARD.) I would like to ask Mr. RYAN what reason he has for thinking that a closer inspection over immigration would drive it away from this port?

Ans. Because I believe that any arrangement different from the present would have a tendency to interrupt the steamships, and involve unnecessary expense to them; consequently you would make them feel dissatisfied here, as they are in New York. You know that in New York, the steamships are anchored in the stream, a steam tug is sent out to them, the passengers are transferred to the tug, and landed at Castle Garden. For that tug, the steamship Company has to pay ten dollars an hour, and in addition to that, two dollars and fifty cents for every passenger, and to give special bonds for the doubtful ones. Establish the same system here, and I firmly believe that it will have the same tendency—to make these steamship companies disgusted with you and cause them to send their steamers somewhere else. To-morrow, if Jersey City were made a port of entry, (and it will be within two years,) every ocean steamship that goes to New York would go there.

Question. (By Mr. GARGAN.) Do the agents of the State have all the time they want for the examination of the passengers?

Ans. Yes, sir, it is for the State to say whether they will take one hour or ten hours.

Mr. VILLARD. It seems to me very singular that such a close supervision of immigration as is practiced in New York would drive away immigration from this port, when it has not had that effect there. Certainly, immigration to the port of New York has not diminished during the last two years; it has steadily increased.

I would like to ask Mr. RYAN for his opinion as to what remedy an immigrant has who does not speak English, in case he is wronged in any way, on the passage across the ocean, if there is no one here to receive his complaints, and apply for the proper legal redress for him?

Mr. RYAN. I would say that he has the same remedy that he would have if he made his complaint to the agent of the State. There is a law which regulates the treatment of these passengers on shipboard, and if that law is not complied with, they can make their complaint now as well as they could then.

Mr. VILLARD. Mr. RYAN, no doubt, knows very well that it would be almost impossible for an immigrant who does not speak the English language to obtain any redress. It would involve great loss of time and money and inconvenience of every kind for him to make the attempt.

Mr. RYAN. I would inform the Committee that, as agent of the CUNARD line, I have had in my employ an interpreter, the Vice-President of the Swedish Society, who speaks three different languages. He is in attendance on the arrival of each steamer. He is a member of a firm on Commercial Wharf, and his position in his society, and his character as a christian and a man, are a sufficient guaranty that no German, no Swede, no Norwegian, no person who can talk with him, will go away from that dock without justice being done to him, if he has been wronged. Every protection is afforded to the immigrant now, in that regard—as much as could be afforded by the State.

Mr. VILLARD. I do not see how he can protect him. If he is in the employ of the Company, he would not be likely to receive complaints against the Company.

Mr. GARGAN. Would not the suggestion that Mr. RYAN makes in regard to the employment of an interpreter by the State meet that difficulty?

Mr. VILLARD. Yes, if he had proper authority.

Question. (By the Chairman.) Is it not for the interest of the CUNARD Company to deal fairly by its passengers?

Ans. Decidedly.

Question. (By Mr. DERBY.) Let me ask whether a complaint would not be inquired into, by the agent, as a matter of pecuniary interest, aside from any question of feeling or humanity?

Ans. Yes, sir. Mr. ALEXANDER had one sailor arrested and sent to jail for ill treating a passenger. The employees of the Company are punished severely if they commit robbery or any outrage upon the passengers. I should be very glad to have the State employ an intelligent man as an interpreter, and have him come and officiate upon our dock every time a steamer arrives. He is at liberty to come there and make the most thorough examination of the passengers, and if he finds anything wrong, let him report us.

Mr. WRIGHTINGTON. I would like to say a word in reference to this matter of the examination, and why it is less rigid than formerly. It was in the interest of the CUNARD Company that the change was made. Of course, the State can claim all the time it requires—twenty-four hours if necessary—but we dispensed with a close examination in the interest of the Company, in order that they might send their passengers through rapidly; and we could do it, because they paid so large an amount of money that we thought it would cover the risk. In New York they demand a large number of special bonds, and they also get their two dollars and fifty cents besides. We think the large sum of money they pay will cover it.

Mr. ALEXANDER. I can corroborate all that Mr. RYAN has said in regard to the efficient manner in which Mr. STETSON performs his duty. In illustration of the rapidity with which he passes the passengers, I will state that they all get away in two or three hours after the steamer comes in here, whereas the examination to which Mr. WRIGHTINGTON refers would occupy a minute for each passenger, and we say that would be the greatest injury that could be inflicted upon the passengers. One steamer came in last year with nearly nine hundred passengers on board. If a minute were occupied in the examination of each passenger, fifteen hours would be taken up.

Question. (By the Chairman.) How much time actually was occupied?

Ans. Two or three hours probably; and those passengers were landed in New York the next day; whereas, if they had been detained until a full examination could have been made, it would have kept them in Boston two days.

Question. (By Mr. KELLOGG.) Of course they pass off very fast. Your examination is like overlooking a flock of sheep. You may see a lame or a sick one, and, if you do, you will have to give your bond?

Ans. Mr. STETSON is very particular. Every passenger passes under review, and he makes the best examination he can.

Mr. WRIGHTINGTON. I will state that a passenger can land at Boston and get through to New York by the time he could land in New York if he should be carried to Castle Garden.

Mr. DERBY (TO MR. WRIGHTINGTON.) Will you state the number of passengers who landed last year in Boston and in Massachusetts?

Ans. The number of aliens was about twenty-six thousand.

Ques. The number who commuted was twenty-six thousand?

Ans. Yes, sir; commuted and bonded we call those aliens. The others we do not.

Ques. The aggregate number of passengers was thirty-six thousand?

Ans. About that number.

Ques. In regard to the amount of money paid—fifty-two thousand dollars, is it not?

Ans. Fifty-two thousand dollars and something more.

Ques. And the expenses of the agent four thousand eight hundred and seventy-nine dollars?

Ans. That is the sub-agent at Long wharf. That does not include the salaries of the supervising officers.

Argument of the Hon. E. H. Derby.

Mr. Chairman and Gentlemen:—

I have the honor to appear before you this morning, not for the Board of Trade, though I shall reinforce, as far as I can, the points made by the Board of Trade, but for various railway and shipping interests. I represent American steamships of two classes—those which hope to run, and those which are now running to the British Provinces, and bring up many immigrants. I also represent railroad companies that have an interest in this matter. But I would prefer to say that I come here to speak for the immigrant, for commerce; and to say one word upon the constitutional question, and one word for the honor and advancement of my native State.

I must take you back a few years to a period before the commencement of the great immigration from Europe to this country. Down to 1847, immigration was comparatively limited, but in that year, an event occurred which gave it a great impulse, I allude to the failure of the potato plant, the famine and sickness which followed, and the great exodus from Ireland that attended the famine. The people of Ireland had been set adrift from their ancient homes by the English. Instead of doing as we have done by our Southern brothers, they disfranchised the native Irish race. The natives of the land became tenants-at-will of distant landlords who held the soil of Ireland, and in their destitution they were compelled to fall back upon the potato plant for their subsistence. That plant, I believe, was introduced into Ireland by Sir Walter Raleigh. They lived upon the

potato and a little oatmeal. If you refer to the dictionaries of commerce of that period, you will find that four-fifths of the people of Ireland were living upon oatmeal and potatoes, earning from fourpence to sixpence a day. But with their native energy of character and buoyancy of spirit, they lived on, hoping for better things, and the population of Ireland increased until it ran up to nine millions in 1847. It is now but five and a half millions. At that time, as I have said, the great resource of Ireland for the supply of food failed. Either a parasite or an insect destroyed the potato plant, and the people were left in a state of destitution. Famine followed, and sickness followed famine. The British government was obliged to interfere—was obliged to resort to the provision of poor-houses—and aid was contributed from all parts of Europe, and very freely contributed from this country. Captain FORBES took out a frigate from this city laden with breadstuffs. After the famine, and after the sickness, there was a general exodus from Ireland. The people looked for a land of freedom where a man might own the soil he lived on, and not be dependent upon a distant landlord, and where he might find plenty as a reward for his exertions. They came in multitudes to this country. In 1848 the immigration was enormous, and the State of Massachusetts became alarmed. Most of those who came at that time were ill-fed and ill-clad, and utterly destitute; and many of them, no doubt, became candidates for relief in the poor-houses and almshouses of the Commonwealth. At length a law was passed imposing a tax of two dollars per head, and a requisition was made upon parties introducing the immigrants for a bond for all crippled, maimed, and infirm persons, of a thousand dollars to protect the State against them. Immigration continued. It went on until, in 1848-49, the question was raised whether this tax of two dollars imposed by the State of Massachusetts, and the tax of one dollar which was imposed by the State of New York,—for we rather took the lead, I think, gentlemen, in taxing the immigrant,—the question, I say, was raised, whether this tax was legal or illegal—whether it was in conflict with the laws of the United States. The case was elaborately argued by WEBSTER and OGDEN, a decision was had at Washington, and the tax was set aside. It was decided that the tax was in conflict with the treaties of the United States. There were treaties with Great Britain, and other European nations, which provided for the free ingress and egress of the population of each country; that the Englishman and the Irishman should have a free inlet into America, and that our people should have free admission into Great Britain; and the Court held that a tax upon people going from one country

to the other was in conflict with the treaties of the United States, and also that it was in conflict with the Constitution and laws of the United States, which give to the Government, as a whole, the entire control of commerce; and that a passenger who was brought into the country was as much an import as a package of goods; that a State had no more right to tax a passenger than goods. That was expressly decided. I shall have occasion to refer particularly to the decision recorded in the seventh of HOWARD, and to the opinions which are there given at great length by some of the greatest jurists of the country; I allude particularly to Judge MCLEAN, Judge GRIER, and Judges WAYNE and CATRON.

The law was set aside in 1849, and then it was modified. I will state, however,—before I proceed to the modification,—that the immigration, after this decision took place, continued large, and the character of the immigration gradually improved down to the present time. At the time I allude to, the parties who came out were ill-fed, ill-clad, and many of them destitute; but there came a change in Ireland itself,—a very great change. The poor laws were introduced into Ireland; some provision were made for the aged, the insane, and the infirm; free schools were introduced, which gave a better education to the people; and as the population diminished, the condition of the people improved, and wages were doubled. The rate of wages to-day is at least double, and, in some cases, triple what it was at the time of the Irish famine. The passengers who come out here now are of a different character, better clothed, better fed, and better educated. When they arrived before, they were not only in the condition that I have described, but they came in sailing vessels, with long passages, and, oftentimes, providing their own food; and making an insufficient provision, they arrived here in an exhausted condition, requiring relief, both with respect to food and clothing. All that has been changed, because steam has usurped the place of the sail, and instead of a voyage of sixty, and even eighty days, which sometimes occurred, the voyage is accomplished in ten days, or at the outside, in fourteen days. Comfortable accommodations are afforded. Instead of feeding themselves on the passage, the six guineas which have been referred to as passage-money, provide food for the passage, and where the immigrant is destined for the interior of the country, that food is supplied until he is placed on the train which is to take him to his destination. The passengers, then, arriving in this improved condition, require less of the aid, less of the support of the State than they did before.

In addition to this, a very careful examination is made of them before they start from Europe. The steamboat proprietors who are liable to be called upon to give a bond of a thousand dollars for each of those passengers, are exceedingly desirous not to be charged with heavy expense for the support of a lunatic, or feeble man or woman in this country. They inquire into the condition of the parties when they come on board, and after this careful examination, a less rigorous examination is required here. Thus the passengers arrive in better condition, for the weaker brethren have been sifted out, and those who come here need less State aid than they otherwise would require.

I have spoken of Ireland. But the immigration has changed in another particular. Instead of the immigrants being mostly of Irish parentage, a great many of them are English. In a paper which has been produced here, it is stated that the proportion is sixty-six thousand Irish, forty thousand English, and one hundred thousand Germans—nearly as many Germans as Irish and English together. The residue of the immigrants are of the Scandinavian nations, Swedes, Norwegians, and Finlanders, Russian subjects, who, in consequence of the failure of the crops on the Baltic have been driven from their country. These immigrants come in to swell the number, and others come from the Canary Islands, from Portugal, from Italy, and a portion of those who land on the other side of the continent come from Asia. These great waves of immigration reach us, and add materially to our power, and to the growth of our population.

The population of the United States, gentlemen, to-day, is about forty millions. The annual national increase is something less than three per cent. The natural increase would be about one million one hundred thousand a year. The actual increase would be represented by the excess of births over deaths. We will say that there are one million one hundred thousand births beyond the number of deaths in the United States; the number of adults who reach maturity would be less than one million one hundred thousand; they would be from eight hundred thousand to one million. The immigration is three hundred and forty-thousand. It is an addition to the muscular power of this country of nearly forty per cent. on the annual natural increase of the country.

The increase of adults being less than a million, and the immigration running up to 340,000 or more, the addition to the physical power to the country is nearly forty per cent. Indeed, I may say it is more; particularly so with reference to the State of Massachusetts, for our State is devoted to education. I will not say that we are over

educated in Massachusetts, but I will say that we carry education up to as high a point, if not a higher point, than any other State in this country. We cultivate the intellectual more than we cultivate the physical powers. Go from Massachusetts, and travel through the West, as I have done, or travel through the Southern States, and when you enter a hotel the book-keeper is usually found to be from Massachusetts, and the clerks are from Massachusetts. They want men who can write, they want men who can attend to commercial affairs, and men of that class come from Massachusetts. At home our children are educated. There is an old world adage, which I know is familiar to some of the gentlemen who are here this morning from Europe, that "Patrick works with his hands and Sawney works with his head." In former times Scotland had excellent schools, and Ireland was destitute. Of late, however, schools have been introduced into Ireland. But the great bulk of the children of Massachusetts are highly educated; their minds are cultivated. They find they can do better in other States, and we lose a very large proportion of our children, both boys and girls. Our girls go down South to become schoolmistresses, our boys go West to become schoolmasters, clerks of hotels, accountants, etc., for Jonathan works with his head. Now what we require in Massachusetts is an accession to our physical strength; we want the element which is brought out by the steamers and sailing vessels from Europe in the shape of immigrants. We want the muscular power which shall carry a hod upon the shoulder up to the top of the edifice; we want the strength that shall lift the timbers to erect the building; we want the muscular power which shall build our railroads, steamboats, and sailing vessels, and do all this laborious work. We need this animal force; it is wanted in our factories to guide the power-loom and the spinning-jenny. We have cultivated intellect, but we want muscular power. I submit, that it is of the highest importance that we should have it, and we can have it through these immigrants from the British Provinces, and from Europe.

It has been intimated, at times, that the pauperism of Massachusetts is due, more or less, to immigration, and I have been surprised to find upon a review of the library of volumes, which have been published, I suppose at the expense of the immigrants, that the pauperism of the State is not due to the immigrant, to the extent I had supposed. In one of these volumes, there is a statement of great interest, to which I will refer you. But with regard to this immigration I find this, that in Massachusetts, the pauper expense, incurred annually, is a little more than a million of dollars—seven hundred thousand are incurred

by the towns, and three hundred thousand are incurred by the State. The expenses incurred by the State are not only for foreign immigrants, but for those who have come in from sister States, and who have not a settlement in the towns, for whom at least a fifth of these expenses is incurred. But take it all, if you please, as having come from aliens; take three hundred thousand dollars, which is the average expenditure by the State, (it ranges from two hundred and seventy-seven thousand to three hundred and twenty thousand dollars,) as the annual expenditure for paupers, and I would say to you, gentlemen, that more than one-third of the population of this State is composed to-day of persons of foreign birth and the children of foreigners; and in the City of Boston, one-half of the population to-day consists of foreigners and the children of foreigners; and it appears by your records that the amount expended upon the foreigners is about thirty per cent. of the whole expenses of the State for pauperism. It is only proportionate to the numbers.

To me, this is a very striking and remarkable fact, because these immigrants come here with very limited means. It has been found by the examiners at Castle Garden that each immigrant has on an average, from seventy to seventy-five dollars in his pockets. It is the seed-corn with which he goes to establish his family, and perhaps carry his family half way across the continent. Yet the immigrants who come here with such limited means, actually occasion to the State only one-third of the expenses incurred for the support of the poor. And not only this, but these immigrants roll up money in the savings banks. It is a fact of very great interest to-day, that we have from one hundred and twenty to one hundred and thirty million of dollars in the savings banks of the State, on which there is a tax of seventy-five cents on the hundred dollars, which will this year yield about one million of dollars to the State. This tax alone would not only pay for the support of the pauper immigrants, but it would pay the whole expense of pauperism in the State. But you take the income of that fund, which adds to the wealth of the State seven per cent. (the ordinary return of savings banks,) and apply it to one hundred and thirty million of dollars, there is something like nine millions per annum added to the wealth of the State, besides, this tax, which pays the whole pauper expenses of the State, and goes directly into the State Treasury.

I have dealt with this question as a general one. I have not dealt with the alien who comes in from Europe, by vessels that arrive in Boston, but who comes in by New York, by Canada, or by Maine, who pays no tax to the State. I have dealt with the general question

of pauperism, so far as it is occasioned by the immigrant, and what the immigrant does to repay it in the shape of the accumulations in Savings banks. We all know, gentlemen, that the greater proportion of these comes from the immigrants. But for these accumulations, we should never have had the Western railroad. A quarter of a century ago, I went with my brother directors, and took the bonds of the State, and had them discounted by these immigrants, through the Savings banks, and the money was applied to finishing the road. We derived from these men great assistance in our hour of trial.

I adverted to the aliens generally. I wish now to refer to those who come by ships to Boston. I will draw your attention to the immigration the past year, as given us this morning by Mr. WRIGHTINGTON. He tells us that thirty-six thousand passengers came into the State by water last year, principally landing at the port of Boston. Twenty-six thousand of them were aliens, who commuted, paying the two dollars head-money, who thus put into the State treasury fifty-three thousand dollars. I have in my hands the Report of the State Treasurer of Massachusetts, submitted a very few days since, in which he states those receipts and confirms Mr. WRIGHTINGTON: "Received from Alien Passengers, fifty-two thousand five hundred and thirty-five dollars and thirty-three cents. Received from the Board of State Charities, twelve thousand three hundred and fifty-three dollars and eleven cents." The aggregate of those two sums, gentlemen, is sixty-five thousand dollars, fifty-three thousand dollars paid directly by the immigrants, twelve thousand dollars collected from towns and individuals who were chargeable. The expenses of the State Agency are not only for alien passengers, they are for the whole business of the Board of Charities. They are for visiting hospitals, for transporting people from other States who are chargeable to the State, and various other purposes. From towns and individuals, I repeat, the State received twelve thousand dollars; from the alien immigrants, fifty-three thousand dollars; and its entire expenses being thirty-one thousand dollars for all purposes, partly for aliens and partly for natives, it has a surplus of half the money which it received, or sixty per cent. of the amount paid by aliens, which flows into the State Treasury, and goes to meet the current expenses of the State.

And that brings me to the question of how much those aliens who land here cost the State. You had a little testimony from Mr. WRIGHTINGTON, that, according to certain estimates he had made, the aliens who have come into the State the last five years, had cost the State about twenty thousand dollars a year. Mr. WRIGHTINGTON'S

estimate covered all the immigrants who came into the State, whether they landed here and paid commutation or not. But when you come to the question of what was the expense of those who are bonded and those who paid a commutation-tax here, to the number of twenty-six thousand last year, you find that the expense which they have brought upon the State is either one thousand five hundred dollars a year, or seven thousand five hundred dollars a year. The report is a little indefinite upon the subject. The report of 1870 says that the immigrants who arrived in 1864, 1865, and so on down to 1869, cost, on the average, about fifteen hundred dollars for each year. Whether the Board mean to say that these expenses have been incurred each year, or that the expenses incurred in 1869 is for those who arrived in the five preceding years, it is impossible to say. The report, as I read it, is, that the average annual expense for immigrants is fifteen hundred dollars. I do not care much for the argument whether it is fifteen hundred dollars or seventy-five hundred dollars. The whole expense that we incur out of the fifty-three thousand dollars we receive from the foreign immigrant is, at the highest, seven thousand five hundred dollars; at the lowest, fifteen hundred dollars a year. You may add, from a careful analysis of the reports, one or two thousand dollars for transportation of some of these parties through the State; you may add for the salaries of the officers who make the collections, for the salary of Mr. WRIGHTINGTON, and the supervision of the Secretary, and you cannot make it out in any way by these figures, that the State incurs an expense of more than ten or fifteen thousand dollars a year at the utmost. The amount received from them, including the twelve thousand dollars received from individuals who are bound to reimburse the State for the money expended on their account, is sixty-five thousand dollars. Some four thousand four hundred dollars or four thousand five hundred dollars are expended for the salary of Mr. WRIGHTINGTON and his associates in making the collections. There are two or three deputies and three or four clerks, rather a large force for a business that comes once a week, and occupies two or three hours, and the business of boarding some little vessels that come from the Provinces, and bring a very small number of persons. There is a considerable corps—eleven or twelve persons—to do this business. I have not a word of fault to find with them; they do it fairly and properly. It may be necessary, but it seems to me the corps is a very large one for a business that can be accomplished in two or three hours, once or twice a week, and in occasionally boarding a vessel in the harbor. It is intimated that there may be a deputy down at Gloucester and on Cape Cod. It seems to me

hardly necessary that there should be. We have a few immigrants who come from the British Provinces. A year or two since, I visited, in company with General BUTLER, Prince Edward Island, and the complaint there was, that their best young men were enticed away and came up to Gloucester, and sailed in American vessels rather than in English, because their mackerel came in duty free, and they were thus lost to the country. It seems to me it would be no very great hardship upon the State, if a few of those spirited, energetic young men should happen to land occasionally at Gloucester, or on the Cape, and escape the tax-gatherer. For my part, I should consider the acquisition of young and able seamen an important acquisition to the State. And as to these immigrants, I would say with reference to them all,—that if a slave was worth a thousand dollars, as was suggested the other day by Collector RUSSELL, the freeman who comes here in the prime of life, adding so much to our physical power and to our resources, is worth, at least, two thousand dollars. If he settles upon a farm, he erects his buildings and fences, and puts on his cattle, and in the course of ten or twenty years, you will find him the proprietor of the soil, and worth ten or twenty thousand dollars, by the increase in the value of his land, through the improvements he has put upon it. When he comes here, he is not old and decrepid. He is at that period of life when a man or woman is procreative—when the growth of population is most rapid. The foreign population is doubled in five years. They marry when they come to this country. They do not dare to marry at home, but in this land of plenty, they dare to marry, and increase, and multiply. I learn from one of your own number, gentlemen, that the births among these people in Boston exceed by two thousand the births among the natives of the State.

I hold that this immigration is an important acquisition to the State. If it is not, you can stop it. A little tariff can stop it. You can tax them out, if you frame your laws so that they shall not conflict with the laws of the United States. You can say, "We don't want you! Land at Portland; build up Portland; help to build her railroads to Montreal and Quebec. Land at New York; there is the great seaport of the country; land there. It may be that you have to go two hundred miles further; that it is not so eligible a place as Boston; but go there." We do not have so many children of native parents as we once did, and those we have leave us; but the old men and the old women can stay at home; the old man may split the wood, and the old lady may warm the coffee; the iron rails may grow rusty; the factory wheels may be stopped. If it is better to

keep our State in this quiet position, or retrograding, let it be so. But if we want to advance, if we lose in intellectual power to any extent, let us have the physical; let us cultivate the intellect that comes here; admit the children to our schools; make men of them as soon as possible, and bring up this population to develop our State, carry it forward, and aid the State in maintaining in the nation the same position which it has occupied from time immemorial. If we do not take the immigrant, we lose our position. I want every possible encouragement given to him, because, to cite the language of our worthy Governor, to whose address I would refer you. "Justice as well as good policy demands that generous care and attention should be afforded these strangers coming to enjoy the abundant blessings of our free land, to whose advancement they will very soon contribute much by their faithful industry."

That is the language of the Governor as to immigrants; and now, gentlemen, I say we should meet them with open hands and open arms, with cordiality and warmth. I have glanced at their relations to the State, their relations to the pauper question, their contributions to the muscular power of the State; I have alluded to their contributions to the wealth of the State and the taxes of the State; and now I wish to take you back to the law under which we have so far received them. I consider that one of the first laws which was passed on this subject was passed under a misapprehension, and it has been corrected by the Supreme Court. I allude to the law of 1848, (Chap. 313,) in which a tax of two dollars was imposed. The question of the validity of that tax was carried to the Supreme Court of the United States. It was argued on one side by the Hon. DANIEL WEBSTER, and on the other side by Mr. DAVID P. OGDEN, of the city of New York. The ablest jurists of the country were enlisted in that discussion, and the opinions of nearly all the Court were given. The remark is made in the seventh of HOWARD, that if the arguments and opinions had been reported in full, they would have filled the volume. There is a synopsis given of the opinions of the Court and the arguments of counsel. In that case the Court decided, for the reasons to which I adverted a few moments since, that this law of Massachusetts, which imposed a tax of two dollars, and the law of New York, which imposed a tax of one dollar, were both void; that they interfered with our treaties, under which our people could go abroad, and British people could come to the United States, freely, and that they interfered with commerce, which was to be regulated by Congress. The Courts say in this case that the State of Massachusetts could no more impose a tax upon for-

eigners landing within her borders than New York could impose a tax upon a citizen of Massachusetts when he crossed the line, or than Ohio could impose a tax upon persons coming from another State; and that there was more propriety in Ohio imposing a tax upon the immigrant, because he might remain there and become chargeable to the State rather than to Massachusetts. They went entirely against the tax; but they made one suggestion in the course of their decission, which suggestion was this: that a State had a right to say that the old, the maimed, the crippled, and the lunatic should not come within its borders and reside there; that they were not to be regarded as citizens, they were to be regarded rather as burthens and were so treated by all civilized nations; and that the State of Massachusetts or New York had a right to require that the men who brought those parties into the State—those cripples, maimed and lunatic—should assume their support, in case they became chargeable to the State; that the whole man should not be compelled to support the cripple; that the sound man, who was all right, and in a condition to become a citizen of the State, should not be compelled to support the lunatic or the pauper, but that the man who brought the lunatic or the pauper there should assume his support, and that the State of Massachusetts or the State of New York would be justified in passing laws to their protection against that class of immigrants. And then came the legislation of the State of New York and the State of Massachusetts.

I will draw your attention to an act which was passed, I think, in 1855, and which was adverted to by Judge RUSSELL. It was framed under the decision of the Supreme Court, to which I have first referred, and provided, in the first place, that every man who landed here, who within forty-eight hours should leave the State, should pay no tax whatever—should go scot free. That was the great leading provision of the act—that a man going to Ohio, or to California, was not to be taxed in Massachusetts, but was to go free. That, I say, was the great feature of the act. It was the unexceptionable part of the act: this was all right. There was another provision of the act, to which no one could take exception, at which we take no umbrage. It provided that the men who brought these immigrants should, after the State had examined them, give a bond for the infirm, the maimed, the crippled, and sick, of a thousand dollars each, and then that they might land, if the owners of the ship saw fit to land them. To that we take no exception. It is all right. But then followed a clause to which we do take exception. It is a provision that all the sound who remain shall be bonded. And we

except particularly to the language of the act—that a bond shall be given for each one; not a general bond, but a bond in the sum of three hundred dollars, with surety, for each one, that he or she shall not become a charge to the State. So that a man in perfect health, arriving from Europe, with a healthy family of children, could not land until he had given a bond for himself, his wife, and each of his children, with surety in Massachusetts. He is stopped at the portal of the State, and told, "You must give, each of you, a separate bond in three hundred dollars, before you can proceed." What was this requisition? A vessel arrives here with eight hundred and forty passengers, (I speak the more freely on this subject because I have discussed this question with Mr. WRIGHTINGTON within a few days, and asked him in regard to this matter.) A man desires to come on shore, and he is met by this statement: "You cannot land." "Why can't I land?" "You must be bonded." "I am well—in perfect health—why can't I land?" Because the law says you must give a bond." There are eight hundred and forty passengers. They must give eight hundred and forty distinct bonds, each one with a surety. Eight hundred and forty bonds, each in the sum of three hundred dollars, amounts to two hundred and fifty thousand dollars, and surety must be given in the sum of two hundred and fifty thousand dollars. But suppose, Mr. ALEXANDER says, "Suppose I bond this cargo, and next week I have another?" "Well, you must give eight hundred and forty bonds, with sureties; and you must be sure that your sureties are good. You must recollect that last week they were taken to the extent of two hundred and fifty thousand dollars, and a man who is worth two hundred and fifty thousand dollars would answer the purpose; but will he answer it now? Is he not liable already to the extent of his fortune? You must get some one else." Under that provision, it was in the power of the parties representing the State to make that demand. The risk was covered by two dollars. It would have been covered by one dollar, perhaps by fifty cents; but the man was told he must give a bond of three hundred dollars for each passenger, or he might commute it by paying two dollars. And he paid the two dollars. He paid one thousand six hundred and eighty dollars rather than give eight hundred and forty bonds for two hundred and fifty-two thousand dollars.

Well, gentlemen, that was the law down to 1865. We were then in the midst of the war. In April of that year, a change was made in the law. It was about the time of the surrender of LEE, and the subject must have been discussed in the gloomy and dark period of

the war, before our successes at Richmond. What was the change then made? Why, the only bright feature in the law was stricken out. The provision which allowed the man who was going to the West, to California, or elsewhere, to go free, was stricken out. When that feature was stricken out, the law was placed in the condition in which it stands to-day. The provisions of the law is, that no men, whether destined for Ohio, or California, or destined to stop in Boston, sick or well, can land in Massachusetts unless he gives an impracticable bond—a bond which has been found to be impracticable—and his only alternative is to pay what the Courts say he should not pay, a tax of two dollars. To-day, the law of Massachusetts is in conflict with the decisions of the Supreme Court, and the laws of the United States, because it requires of each of these parties coming from abroad, who, by the decision of the Supreme Court, should come free, either a bond, which they cannot give, which they could not be required to give, and would not be required to give by the Supreme Court of the United States, or the payment of a tax which was set aside by the Court. That is the position in which Massachusetts stands to-day in reference to the laws of the United States and the decisions of the Supreme Court.

Now, I wish to make this point, and I wish my friend Mr. PIERCE to answer it, at the proper time, and I presume he will, if it can be answered. Whether Massachusetts, which, in the war to sustain the Constitution and Laws of the United States, and the rights of the people, has incurred an expense of three or four hundred millions of dollars, directly and indirectly, taking our part of the national debt and our contributions to the bounties of the soldiers,—whether Massachusetts, after having spent all that money to sustain the laws bearing upon a case far distant, having put her own house in order at the beginning of the war,—when she tendered her sword and purse to the government, said "We will strike out any legislation that is in conflict with the laws of the United States; we will put ourselves right on the record,"—whether Massachusetts, having done all this, will, for the sake of a paltry gain of ten, twenty, or thirty thousand dollars a year, for the sake of supporting the Board of State Charities, by levying a tax upon the poor alien as he comes here, shall put herself in array against the laws of the United States and the decisions of the Supreme Court of the United States? That is the view of this question which, as it seems to me, addresses itself to this Committee.

I would say, gentlemen, a word for my native State. She would never intentionally do wrong. It is by inadvertence that she has

made this law. During the heart of the war, I went to Senator SHERMAN, and asked him not to impose a certain tax, telling him I thought it would do great injustice. His reply was, "We can't stop to see whether it is unjust or not. We must have money, and we are putting out our hands and grasping all the money we can to sustain our armies in the field. We will settle the question of justice after the war is over." It was through some such feeling, or by inadvertence, that that, the only bright feature of the law, was stricken out, to which Judge RUSSELL referred, and which he thinks ought to be restored, which the Board of Trade thinks ought to be restored, and which I think ought to be restored, or something better given. I believe you will place the State right. It is not for a State like ours, a State great in its resources and great in its character, to put in jeopardy that character, to set a bad example to other States. For, as I have said, we led in this matter; the taxes of New York and Portland have grown up out of our tax; and you have some better principle to guide you than the one suggested by my friend, Mr. WRIGHTINGTON, the other day, who suggested, that because New York imposed a tax of two dollars and fifty cents a head on ten thousand immigrants who come into Massachusetts by the way of that city, Massachusetts should retaliate by putting a tax of two dollars a head on ten thousand immigrants who come here to go into other States. That idea of retaliation is not a safe basis for legislation. The gentleman's construction of the laws of Massachusetts struck me as something like the construction, which it is said, was given to the law by our forefathers, in one case, where an Indian was unfortunately killed by a very able housewright. They could not spare the housewright, because they had but one; but the law must be vindicated; and so they hung, as HUDIBRAS says, "a poor taylor who was bedrid," to make up for the housewright. Thus with retaliation. You do not punish New York, but you punish the immigrant. Because they fleece the immigrant who comes into New York, we shall fleece the immigrant who comes into Boston. He is to be allowed no escape, one way or the other. Such is the theory of the law, as presented by my friend Mr. WRIGHTINGTON, but it is one which I do not think will guide the Board of State Charities or this Committee in recommending legislation for the State.

Now, gentlemen, the question is, what should be done? How should the law be amended? How should the evils which now attend its execution be avoided? This is the question which addresses itself to this Committee, and I have certain views upon this subject which I will venture to present, for this is just the turning point of the case at which I have now arrived.

In the first place, if the law is to stand upon the statute book, for Heaven's sake restore that bright feature which was in it originally. Put back what was stricken out in 1865, as the Board of Trade ask. They ask it, because it seems so clear and simple that the law should be made as you made it at first. Restore it. Certainly restore it. Do something to quiet the immigrants and those who bring them here, because, gentlemen, if you do not, it is perfectly obvious that somebody,—I will not say that the parties I have the honor to represent will do it, but somebody will come forward for the immigrant and appeal again to the courts, and suggest that they shall not permit to be done indirectly by Massachusetts or New York, what they cannot do directly; that this law is in contravention of the laws of the United States, inasmuch as it actually imposes a tax, indirectly, which the court said should not be done directly. The money is taken from the immigrant; he has to pay it. Therefore, the first thing to be done, if the law is to stand, is to restore the provision that was stricken out in 1865, as the Board of Trade have asked you to do. I will not enlarge upon their arguments in favor of this proposition.

Now I come to the second point; I come to the views which are entertained more particularly by those whom I have the honor to represent. The request which I would make of you would be to strike out those features which relate to the bonds. Why should a separate bond be required for each one of these immigrants? Why require separate bonds? Why not allow one bond to be given for all? Let it be given for a season, for a year, or for a series of years. Make a law with regard to this to this effect: that the parties who bring immigrants here by lines of steamers or lines of packets, may, at the commencement of each year, file a bond, with substantial sureties, in the sum of fifty thousand dollars, if you please. The annual expense of the State for these immigrants is now from fifteen thousand to twenty thousand dollars. The whole expense of the Board of State Charities is but thirty thousand dollars a year, including what they collect from towns and individuals. Make a law that the owners of any line of steamers shall give a bond of fifty thousand dollars to guarantee the State against the expense of any immigrant they bring, who may become a public charge within five years after landing. Let that be filed for the protection of the State. A simple bond; not so inconvenient as to compel a man to pay the commutation whether he will or not.

That is the change of the law which I would present as being the true one and the proper one. But, gentlemen, if you cannot give us that, if you say that some expense is incurred for boarding vessels

and examining immigrants, and that the State cannot afford to incur that expense by itself or by its Board of Charities, then let there be a registration fee only, as Mr. BERRY says there is at Quebec, of twenty-five or fifty cents, the smaller the better, for identifying the passenger, and preserving the evidence of his identity. Let that fee be paid, then let the passenger come on shore, and let the owners say, "we will stipulate that we will give a bond for the sick and infirm. When they have been selected, let them be landed, and we will give a bond or pay the money; or, if you think it right, we will do both—and what more could be asked of us?"

Now, gentlemen, does the State want to make a profit out of these aliens? Would you like, in the country, to have a tax put on your seed, and when the farmer had provided his bushel of seed corn with which to plant his fields, have the tax-gatherer come and take half of it away from him as a tax? At what period of life does an immigrant require his money more than when he lands in a new country,—when he is carrying his wife and children across that country into the wilderness, it may be, and wants to buy a cow and a pig, and to plant his fields, and lay in a stock of provisions for his family until the harvest? Then it is that he parts with every dollar with the greatest reluctance. He comes from Europe, where wages may be a shilling a day. How many years has he toiled to accumulate a surplus for each child, and for his wife sufficient to carry them across the water! How slow has been the process of accumulation! Why take from him any considerable amount?

But my friends will say, "The tax does not come from the immigrant; it comes from the shipowner." Why, gentlemen, you might just as well say, "It is of no consequence what duties are imposed by Congress on imported goods. Let the duties be fifty or one hundred per cent., it all comes out of the man who sells them. Why reduce the duty? The customer is not to get the benefit of it. The price of the goods will not be reduced." Well, I know, gentlemen, that when duties or taxes are repealed, it takes a man who has goods to sell some time to find it out; that his goods remain on the shelf, and he does not look at the prices current to see what the fall has been. But when he buys his new stock he sells it cheaper, and the purchaser gets the benefit of it. You have it in evidence that the steamship lines have recently reduced their rates from thirty-seven dollars to thirty-four dollars; they are following down the price of gold, and if you take off your charges, they will follow the reduction of the charges, and the immigrant will eventually get the benefit.

Here are several lines of steamers. Here is the CUNARD line, which ran originally to Boston, and was withdrawn because an American line was about to be started, which, thus far, has not been a success, for the Government has given it no subsidy for carrying the mail. Here is the American line, two splendid steamers, lying in our port, awaiting the action of the Government. Under the vast discouragements that exist in shipping, the high price of iron, high wages, a false currency, various port charges, taxes upon immigrants, they still wait, and will yet, I trust, eventually run. Here is the CUNARD line, running a steamer weekly to Boston. Here is the INMAN line, running twice a month, and we hope soon to run a weekly line to Boston. There is the Anchor line, looking this way. There is the ALLAN line, which has come to the conclusion that Portland is "insufficient," and which will, no doubt, come to Boston in the winter, at least, if this tax were removed. And here is the Grand Trunk Railroad making arrangements to furnish cars for one hundred and fifty dollars to make the round trip from Boston to Chicago and back by the way of Montreal. They are furnishing one thousand two hundred long cars, to run from Boston to the West, by the way of Montreal, at seven dollars and fifty cents per ton, which are to be put on the road this summer; some were put in operation last summer, changing their guage near the bridge at Montreal, and coming down upon a narrow track from a broad track, shifting from gauge to gauge.

We have the best position of any city in the United States. Boston is substantially as near to Europe as Portland, and it is nearer the West by one hundred miles than Portland. It is the nearest point for the immigrant who is on his way to New York, Philadelphia, Albany, or Chicago. It is more desirable than Portland, too, because the immigrant has less distance to travel after he arrives. The question is now, whether we should not give these facilities, whether we cannot afford to conform to the laws of the United States, and let trade come here as nearly free as possible—providing against the sick, the maimed, and the lunatic—but, in other respects, let the immigrant come free? If you say so, instead of having a line of steamships once a week, we shall have a daily line, and the time will come, I venture to predict, when we may have four arrivals in one day of vessels from foreign ports, laden with immigrants, which shall return laden with goods, which can be carried by the Grand Trunk road, if we gave them a chance to make a profit on their immigrants as they go West. A reduction will come from the railroads. You have heard in evidence that it is coming. All you have to do is to

bring the passengers here; and if my friends of the Boston and Albany road do not take them, I know the Fitchburg road will; and if the Fitchburg road should fail to do so, I know the Grand Trunk road will take them. Give them an opportunity to take these passengers, and they will take them, and at rates lower than the present.

These immigrants are brought here now in admirable condition. It is said there is only one death in four thousand. Formerly, it was not uncommon to have a loss of five to ten per cent. when sailing ships only came over here. By the report of the Board of State Charities, it appears that there is but one death in four thousand. The births on board probably exceed the deaths. There is no loss, substantially. They are carried as first-class passengers on the Boston and Albany road, on cushioned seats, for two and three dollars a passage. The time was when I was almost crucified for venturing to assert that passengers would be carried from here to Albany for three dollars. It is done for less, because they are carried to Chicago, a thousand miles, at the rate of two dollars and fifty cents a passenger to Albany. The work will be done by the railroads, and you will have the benefit of it, and the increase in immigrants will make up for the reduction on the tax.

Then we have the question whether we shall go to the expense of building a palace for them at East Boston, involving, of course, a further agency. Why, there is a disposition on the part of all these Boards to extend their jurisdiction. It used to be said in the Courts, that it was the part of a good judge to magnify and extend his jurisdiction. If we have this palace, there will be a pleasant place for somebody. It must have a steward and doctor, and there will be expense. The companies pride themselves on doing the work well. Because Mr. WRIGHTINGTON found that Mr. WARREN did not do it well four or five years ago, does it follow that they do not do it properly now, when they swear that they do, and take pride in providing for the alien, and doing it well?

On two things the shipowners and railroads all agree. In the first place, that they do not want such an incumbrance as this, because they know that it would be a charge to them, and, through them, to the immigrants, and so an injury to trade. They agree as to this, and the next thing is, they want to be let off with the lowest possible charge which the State feels bound to impose. These are the views they entertain. They go against both the tax and the expenditure.

EVIDENCE.

I propose now, Mr. Chairman, to put in some evidence in support of the views which I have had the honor to present.

I have been furnished with a requisition for one of the last CUNARD steamers leaving Liverpool for this port, which I will hand to the Committee, by which they will see how liberally these passengers are provided for. Ample provision is made, not only of breadstuffs, but of fresh meat, for the voyage.

I will put into the case, also, the return which is in use, and which is to be signed and sworn to, showing the age, sex, occupation, place of birth, last place of residence, and condition of the passengers.

What little further evidence I have is furnished principally by the Government itself, by the reports of the Board of State Charities. I will refer to a few passages, to verify the statements which I made in argument.

I refer, in the first place, to the report for 1868, published in 1869, p. CV., where an account is given of the expenses of the Board of State Charities for the years 1864, '65, '66, '67, and '68:

"For the 15 months, ending Dec. 31, 1864, . .	$20,038.90
" the year 1865, ...	20,079.35
" " 1866, ...	22,690.95
" " 1867, ...	25,369.72
" " 1868, ...	24,571.33
Total, for five years and three months, . .	$112,750.25."

This embraces all the expenses, for all purposes, of the Board of State Charities, including aliens.

I have given you the expenses for 1868 as $24,571.33. I now desire to refer you to the receipts for the same year, which will be found on the same page,—$37,953.33. "Net cash profit to the Commonwealth, $13,382.00." The receipts for the term of five years and three months, to December 31, 1868, are given as $135,114.98; showing a net profit to the Commonwealth of $22,364.73.

You will remark that in these five years and three months is included the time during which those who passed out of the State within forty-eight hours went free; but the result was, taking the whole five years, a surplus of $22,364.73.

I will also read, from the report of the same year, one or two passages which bear upon this question.

At page 233, the remark is made—"Comparing the expenses with the receipts, we find a net profit to the State of $23,342.06; enough to pay the cost of the Board and its remaining departments, and leave a balance of $13,238.82 in the treasury."

In giving the receipts for the year ending September 30, on the preceding page, (232,) they state that the receipts were:

"From Immigrant Head-money, ...	$30,337.00
" Cities, Towns, and Individuals, . . .	6,988.58
" Bastardy Cases, ...	627.75
Total, ...	$37,953.33
And the expenses being, ...	14,611.27
The balance in favor of the department is, . .	$23,342.06"

At page 240 of the same book, I find this passage:

"The receipts of this branch of the business, [this is the General Agent's report,] for the year ending September 30th, 1868, have been $30,337.00. Its entire cost has been:

For salaries, ...	$4,184.95	
" Rent and office expenses, .	210.84	
" Boating, &c., ...	55.78	$4,551.57
Balance in favor of the Sub-Department, . .		$25,885.43."

I will now read to you, gentlemen, from the report for the year 1867, one or two passages. First, from p. 194:

"The undersigned desires, however, to correct one error he has found prevalent among the usually well informed, to the effect that a large part of the pauperism of the State, and its consequent charitable expenditure, is due to the immigration into the port of Boston. This is far from being the truth. The fact is, the aliens so arriving have paid head-money enough to pay all the expense of supporting those of their number who have become chargeable to the public, including the entire cost of collecting the same and of the previous examinations, and leave a large surplus towards paying for the public buildings devoted to charitable purposes In fact, if our foreign pauperism had been confined to this class, we should have had occasion for no such buildings.

"For the large outlay we have incurred, we are indebted solely to the pauperism of the immigration into other States and the Canadas, which has found its way overland into Massachusetts. * * * *

"Another matter deserves mention—the sanitary condition of the vessels arriving at this port, as proved by the rate of mortality among the passengers. In the two years ending September 30, 1867, out of 41,081 passengers received, only ten have died on shipboard, or two hundred and forty-three ten thousandths of one per cent."

I propose now, gentlemen, with regard to the law upon this subject, to refer to a few passages in the opinions given by members of the Court in the cases which were carried up from Boston and from New York—the case of *Smith* vs. *The Health Commissioners of the Port of New York*, and *Norris* vs. *The City of Boston*. The decision was given in 1849, and is recorded in the 7th of HOWARD, p. 283. The caption of the head of the case is as follows;

"A State law, which requires the masters of vessels engaged in foreign commerce to pay a certain sum to a State officer, on account of every passenger brought from a foreign country into the State, or before landing any alien passenger in the State, is inoperative, by reason of its conflict with the Constitution and laws of the United States."

The Statute of Massachusetts imposed a tax of two dollars per head on the alien passenger; the Statute of the State of New York imposed a tax of one dollar per head upon the alien passenger. They were both considered, and both declared void, as against the policy and the provisions of the law.

I will read a passage from Judge MCLEAN'S opinion, (p. 396,) in which he cites and adopts the views of Mr. SHERMAN, in the debate upon the question, before the adoption of the Constitution:

"The power of the United States to regulate trade being supreme, can control interferences of the State regulations, when such interferences happen; so that there is no danger to be apprehended from a concurrent jurisdiction."

On page 401, Judge MCLEAN says:

"Commerce is defined to be 'an exchange of commodities.' But this definition does not convey the full meaning of the term. It includes 'navigation and intercourse.' That the transportation of passengers is a part of commerce is not now an open question. In *Gibbons* vs. *Ogden*, this Court say 'No clear distinction is perceived between the powers to regulate vessels in transporting men for hire, and property for hire.' The provision of the Constitution, that 'the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808,' is a restriction on the

general power of Congress to regulate commerce. In reference to this clause, this Court say, in the above case: 'This section proves that the power to regulate commerce applies equally to the regulation of vessels employed in transporting men who pass from place to place voluntarily, and to those who pass involuntarily.'

"To encourage foreign immigration was a cherished policy of this country at the time the Constitution was adopted. As a branch of commerce, the transportation of passengers has always given a profitable employment to our ships, and within a few years past, has required an amount of tonnage nearly equal to that of imported merchandise."

It will be seen that the Court brings the immigrant directly under the provisions of the law with regard to commerce.

I cite again from Judge McLEAN's opinion, p. 408:

"The officers and crew of the vessel are as much the instruments of commerce as the ship, and yet they are taxed under this health law of New York as such instruments. The passengers are taxed as passengers, being the subjects of commerce from a foreign country. By the 14th Article of the Treaty of 1794, with England, it is stipulated that the people of each country may freely come, with their ships and cargoes, to the other, subject only to the laws and statutes of the two countries respectively. The Statutes here referred to are those of the Federal Government, and not of the States. The General Government only is known in our foreign intercourse.

"By the 46th Section of the Act of March, 1799, the wearing apparel and other personal baggage, and the tools or implements of a mechanical trade, from a foreign port, are admitted free of duty. These provisions of the Treaty and of the Act, are still in force, and they have a strong bearing on this subject. They are, in effect, repugnant to the Act of New York.

"It is not doubted that a large portion, perhaps nine-tenths of the foreign passengers landed at the port of New York, pass through the State to other places of residence. At such places, therefore, pauperism must be increased much more by the influx of foreigners than in the city of New York. If, by reason of commerce, a burden is thrown upon our commercial cities, Congress should make suitable provisions for their relief. And I have no doubt this will be done.

"The police-power of the State cannot draw within its jurisdiction objects which lie beyond it. It meets the commercial power of the Union in dealing with subjects under the protection of that power, yet it can only be exerted under peculiar emergencies, and to a limited extent. In guarding the safety, the health and morals of its citizens, a State is restricted to appropriate and constitutional means. If extraordinary expense be incurred, an equitable claim to an indemnity can give no power to a State to tax objects not subject to its jurisdiction.

"The attorney-general of New York admitted that if the commercial power were exclusively vested in Congress, no part of it can be exercised by a State. The soundness of this conclusion is not only sustainable by the decisions of this Court, but by every approved rule of construction. That the power is exclusive seems to be as fully established as any other power under the constitution which has been controverted.

"A tax or duty upon tonnage, merchandise, or passengers, is a regulation of commerce, and cannot be laid by a State, except under the sanction of Congress, and for the purposes specified in the Constitution. On the subject of foreign com-

merce, including the transportation of passengers, Congress have adopted such regulations as they deemed proper, taking into view our relations with other countries. And this covers the whole ground. The act of New York, which imposes a tax on passengers of a ship from a foreign port, in the manner provided, is a regulation of foreign commerce which is exclusively vested in Congress; and the act is therefore, void."

I cite a passage from the same opinion, (p. 410,) with regard to the case from the city of Boston:—

"Under the first and second sections of the above act, ['relating to alien passengers,'] the persons appointed may go on board of a ship, from a foreign port, which arrives at the port of Boston with alien passengers on board, and examine whether any of them are lunatics, idiots, maimed, aged, or infirm, incompetent to maintain themselves, or have been paupers in any other country, and not permit such persons to be put on shore, unless security shall be given that they shall not become a city, town, or State charge. This is the exercise of an unquestionable power in the State to protect itself from foreign paupers and other persons who would be a public charge; but the nineteen alien passengers for whom the tax was paid did not come, nor any one of them, within the second section. The tax of two dollars was paid by the master for each of these passengers before they were permitted to land. This, according to the view taken in the above case of SMITH *vs.* TURNER, was a regulation of commerce, and not being within the power of the State, the act imposing the tax was void.

"The fund thus raised was no doubt faithfully applied for the support of foreign paupers, but the question is one of power, and not of policy. The judgment of the Supreme Court, in my opinion should be reversed, and this cause be remanded to that Court, with instructions to carry out the judgment of this Court."

I now read from the opinion of Judge WAYNE, (p. 412):—

"A treaty permitting the ingress of foreigners into the United States, with or without any other stipulation than a reciprocal right of ingress for our people into the territories of the nation with which the treaty may be made, prevents a State from imposing a poll tax, or personal impost, upon foreigners, either directly or indirectly for any purpose whatever, as a condition of being landed in any part of the United States, whether such foreigners shall come to it for commercial purposes, or as immigrants, or for temporary visitation." * * *

"The acts of Massachusetts and New York, so far as they impose any obligation upon the owners or consignees of vessels, or upon the captains of vessels, or freighters of the same, arriving in the ports of the United States within the said States, to pay any tax or duty of any kind whatever, or to be in any way responsible for the same, for passengers arriving in the United States, or coming from a port in the United States, are unconstitutional and void, being contrary to the constitutional grant to Congress of the power to regulate commerce with foreign nations and among the several States, and to the legislation of Congress under the said power, by which the United States have been laid off into collection districts, and ports of entry established within the same, and commercial regulations prescribed, under which, vessels, their cargoes, and passengers, are to be admitted into

the ports of the United States, as well from abroad as from other ports of the United States.

"The power to regulate commerce with foreign nations, and among the several States, having been given to Congress, Congress may, but the States cannot tax persons for coming into the United States." (p. 421.)

"Paupers, vagabonds, and fugitives never have been subjects of rightful national intercourse, or of commercial regulations, except in the transportation of them to distant colonies to get rid of them, or for punishment as convicts. They have no right of national intercourse; no one has a right to transport them without authority of law from where they are to any other place, and their only rights where they may be are such as the law gives to all men who have not altogether forfeited its protection.

"The States may meet such persons upon their arrival in port, and may put them under all proper restraints. They may prevent them from entering their Territories, may carry them out, or drive them off. But can such a police-power be rightfully exercised over those who are not paupers, vagabonds, or fugitives from justice? The international right of visitation forbids it. The freedom, or liberty of commerce allowed by all European nations to the inhabitants of other nations, does not permit it; and the constitutional obligations of the States of this Union to the United States, in respect to commerce and navigation and naturalization, have qualified the original discretion of the States as to who shall come and live in the United States."

I will cite two passages from Judge CATRON'S opinion:

"From the first day of our separate existence to this time, has the policy of drawing hither aliens, to the end of becoming citizens, been a favorite policy of the United States; it has been cherished by Congress with rare steadiness and vigor. By this policy, our extensive and fertile country has, to a considerable extent, been filled up by a respectable population, both physically and mentally, one that is easily governed, and usually of approved patriotism. We have invited to come to our country from other lands, all free white persons of every grade and of every religious belief, and when here to enjoy our protection, and at the end of five years, to enjoy all our rights, except that of becoming President of the United States." (p. 440.)

"Now, is it possible to reconcile State laws, laying direct and heavy taxes on every immigrant passenger and every member of his family, with this careful, studied, and ever-increasing security of immigrants against every legal burden or charge of any kind? Could Congress have done more than it has done, unless it had adopted what would have been justly regarded as a strange act of legislation, the insertion of passengers themselves in the list of free articles?"

I conclude with a citation or two from the opinion of Judge GRIER:

"It is the cherished policy of the general government to encourage and invite Christian foreigners of our own race to seek an asylum within our borders, and to convert these waste lands into productive farms, and thus add to the wealth, population, and power of the nation. Is it possible that the framers of our Constitution

have committed such an oversight as to leave it to the discretion of some two or three States to thwart the policy of the Union, and dictate the terms upon which foreigners shall be permitted to gain access to the other States? Moreover, if persons migrating to the Western States may be compelled to contribute to the revenue of Massachusetts, or New York, or Louisiana, whether for the support of paupers or penitentiaries, they may, with equal justice, be subjected to the same exactions in every other city or State through which they are compelled to pass; and thus the unfortunate immigrant, before he arrives at his destined home, be made a pauper by oppressive duties on his transit. Besides, if a State may exercise this right of taxation or exclusion on a foreigner on the pretext that he may become a pauper, the same doctrine will apply to citizens of other States of this Union; and thus the citizens of the interior States, who have no ports on the ocean, may be made tributary to those who hold the gates of exit and entrance to commerce." (p. 461.)

"Congress has regulated commerce and intercourse with foreign nations and between the several States, by willing that it shall be free, and it is therefore not left to the discretion of each State in the Union either to refuse a right of passage to persons or property through her territory, or to exact a duty for permission to exercise it." (p. 464.)

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